The motion was agreed to; and the Senate, in executive session (at 5 o'clock and 8 minutes p. m.), took a recess until to-morrow, Wednesday, February 25, 1931, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate February 24 (legislative day of February 17), 1931

COLLECTOR OF CUSTOMS

Fred A. Bradley, of Buffalo, N. Y., to be collector of customs for customs collection district No. 9, with headquarters at Buffalo, N. Y. (Reappointment.)

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 24, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Turn again, O Divine Redeemer, and cause Thy face to shine upon us, and may we recognize in Thee a loving Father. Endow us with that deep consciousness that we derive whatever is best from Thee and that which will outlive all earthly glory. Sustain us with that life of trust and fidelity which is patiently borne. Do Thou bless all parents and their children, and may all homes be established in truth, purity, and love. In the presence of questions and perplexities give us clear understanding; always point out the way of personal rectitude and persuade us that the highest culture is to speak no il. In the Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

REGULATION OF STOCK OWNERSHIP IN RAILROADS

Mr. BEERS. Mr. Speaker, I send House Concurrent Resolution No. 50 to the desk, and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

House Concurrent Resolution 50

Resolved by the House of Representatives (the Senate concurring), That there be printed 1,700 additional copies of the report of the Committee on Interstate and Foreign Commerce of the House of Representatives (H. Rept. 2789) entitled "Regulation of Stock Ownership in Railroads," of which 500 copies shall be for the use of the House, 200 for the use of the Senate, 600 copies for the use of the Committee on Interstate and Foreign Commerce of the House, 100 copies for the use of the Committee on Interstate Commerce of the Senate, 200 copies for the use of the House document room, and 100 copies for the use of the Senate document room.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GARNER. Reserving the right to object, I think the gentleman from Wisconsin [Mr. STAFFORD] had a suggestion about this; I do not know what it was.

Mr. BEERS. I spoke to the gentleman from Wisconsin. He wanted 500 additional copies for the House, but I do not think the expense warrants it.

The SPEAKER. Is there objection?

There was no objection.

The concurrent resolution was agreed to.

HOUSE MANUAL

Mr. BEERS. Mr. Speaker, I present another resolution and ask unanimous consent for its present consideration.

The Clerk read as follows:

House Resolution 374

Resolved, That the House Rules and Manual of the House of Representatives for the Seventy-second Congress be printed as a House document, and that 2,500 copies be printed and bound for the use of the House of Representatives.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

WASHINGTON AND LINCOLN

Mr. FRANK M. RAMEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address made by myself over the radio.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FRANK M. RAMEY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by myself over the radio on February 19, 1931, on the subject of Washington and Lincoln:

In February of each year we celebrate the birthdays of our two greatest heroes, George Washington, the Father of his Country, and Abraham Lincoln, the Great Emancipator. Other countries have their heroes, but no country has produced any two men in the affairs of its nation who rose to such high distinction, having so vast a difference in surroundings and environments at the time of their birth and during their early life.

The parents of Washington had considerable wealth, considering the time in which he was born; while, on the other hand, Lincoln was born in extreme poverty. Washington, as a young man, instead of seeking a commission in the British military force and pursuing a life of luxury and ease, chose to become a surveyor and to endure hard work and toil in the western wilderness. The early life of Lincoln was spent in the lowest limits of poverty with day after day of endless sorrow, the loss of his mother, and many, many other events tending to break the proud spirit which Lincoln possessed.

But Washington and Lincoln alike had tremendous courage and were absolutely fearless when they were convinced that their cause was right, and once they decided upon a course of action, time nor place nor person could swerve them from their path of duty as it appeared before them.

George Washington belongs to all America. He is a national heritage. His plans were always executed with the view of benefiting the entire Nation. It was his vision which was the driving force in those momentous years which made out of 13 colonies, colonies sharply defined by jealousy and customs, a united nation, united in culture, commerce, and sentiment.

Washington was a true and loyal friend. The great friendship between him and Lafayette is almost as tender as the great Bible story of David and Jonathan and the story of Damon and Pythias.

In a statement just issued by the George Washington Bicentennial Commission, it is pointed out that of all the men whom the fortunes of war brought across George Washington's path there was none who became nearer to him than Lafayette. The generous, high-spirited young Frenchman, full of fresh enthusiasm and brave as a lion, appealed at once to Washington's heart.

It is stated that Washington quickly admitted the gallant Frenchman to his confidence, and the excellent service of Lafayette in the field together with his invaluable help in securing the French alliance, deepened and strengthened the sympathy and affection which were entirely reciprocal. After Lafayette departed, a constant correspondence was maintained, and when the Bastille fell, it was to Washington that Lafayette sent its key, which still hangs on the wall of one of the rooms at Mount Vernon.

As Lafayette rose rapidly to the dangerous heights of leadership in the French Revolution he had at every step Washington's advice and sympathy. When the tide turned and Lafayette fell headlong from power, ending in an Austrian prison, Washington spared no pains to help him, although his own position was one of extreme difficulty. Lafayette was not only the proscribed exile of one country, but also the political prisoner of another, and President Washington could not compromise the United States at that critical moment by showing too much interest in the fate of his unhappy friend. He nevertheless went to the very edge of prudence in trying to save him, and the ministers of the United States were instructed to use every private effort to secure Lafayette's release, or, at least, the mitigation of his confinement. All these attempts failed but Washington was more successful in other directions.

Washington sent money to Madam de Lafayette who was absolutely without funds at the time. When Lafayette's son and his own namesake, George Washington Lafayette, came to this country for a haven of safety President Washington had him cared for in Boston and New York by his personal friends—George Cabot in the one case and Alexander Hamilton in the other. As soon as public affairs made it appear proper for him to do it he took the lad into his own household, treated him as a son, and kept him near him until events permitted the boy to return to Europe and rejoin his father.

The sufferings and dangers of Lafayette and his family were indeed a source of great unhappiness to Washington, and it is said that when he attempted to talk about Lafayette he was so much affected that he shed tears—a very rare exhibition of emotion in a man so intensely reserved.

The life of Washington was filled with many vocations and enterprises, but on being asked what his vocation was he would invariably say that he was a farmer. By nature George Washington was essentially a farmer, a high-grade farmer. He loved his land, and his farm was an active one. He kept his roads constantly repaired with the best of improvements thereon.

He was very proud of his trees and flowers. His was a beautiful garden. Friends sent him seeds from all parts of the world. Once describing his love for farming, he wrote:

"I think that the life of husbandry of all others is the most delectable. It is honorable, it is amusing, and with judicious management it is profitable. To see plants rise from the earth and flourish by the superior skill and bounty of the laborer fills a contemplative mind with ideas which are more easy to be conceived than expressed."

Washington was farsighted, and the future America was uppermost in his mind, as is evidenced from the following extract from his Farewell Address:

"Be united. Be Americans. Let there be no sectionalism, no North, no South, no East, no West. You are all dependent one upon another. Beware of insidious attacks upon the Constitution, which is the great bulwark of your liberties. Beware of the evil effects of partisan politics. Keep the departments of government separate. Promote education. Preserve the public credit. Avoid public debt. Observe justice and good faith toward all nations. Have neither passionate hatred nor passionate attachment for any, and be politically independent of all."

The character and reputation of all great men have at some time been assailed. The late Henry Cabot Lodge, referring to criticism of Washington, said:

"There are but few very great men in history—and Washington was one of the greatest—whose declaration of principles and whose thoughts upon the policies of government have had such a continuous and unbroken influence upon a great people and through them upon the world. The criticism, the jeers, the patronizing and pitying sneer will all alike pass away into silence and be forgotten just as the coarse attacks which were made upon him in his lifetime have faded from the memory of men; but his fame, his character, his sagacity, and his ardent patriotism will remain and be familiar to all Americans who love their country. In the days of storm and stress when the angry waves beat fiercely at the foot of the lofty tower which warns the mariner from the reefs that threaten wreck and destruction, far above the angry seas, and in the midst of the roaring winds, the light which guides those who go down in ships shines out luminous through the darkness. To disregard that steady light would mean disaster and destruction to all to whom it points out the path of safety. So it is with the wisdom of Washington, which comes to us across the century as clear and shining as it was in the days when his love for his country and his passion for America gave forth their last message to generations yet unborn."

Thomas Jefferson, a great friend of Washington, said:

"The only man in the United States who possessed the confidence of all. There was no other one who was considered as anything more than a party leader.

"The whole of his character was in itself mass perfect, in nothing bad, in a few points indifferent. And it may be truly said that never did nature and fortune combine more perfectly to make a man great and to place him in the same constellation with whatever worthies have merited from man an everlasting remembrance."

Lincoln estimated Washington as follows:

"Washington's is the mightiest name of earth—long since mightiest in the cause of civil liberty; still mightiest in moral reformation. On that name no eulogy is expected. It can not be. To add brightness to the sun, or glory to the name of Washington, is alike impossible. Let none attempt it. In solemn awe we pronounce the name and in its naked, deathless splendor leave it shining on."

The great Napoleon said:

"The name of Washington is inseparably linked with a memorable epoch. He adorned this epoch by his talents and the nobility of his character, and with virtues that even envy dared not assail. History offers few examples of such renown. Great from the outset of his career, patriotic before his country had become a nation, brilliant and universal despite the passions and political resentments that would gladly have checked his career, his fame is to-day imperishable, fortune having consecrated his claim to greatness, while the prosperity of a people destined for grand achievements is the best evidence of a fame ever to increase."

Eighty-three years ago Abraham Lincoln came from Springfield, Ill., to the Capitol of our Nation as a Representative in Congress from the Springfield, Ill., district.

Little was known of this quiet man at that time east of the State of Illinois, although later he was destined to make the same trip from Springfield to Washington on two different occasions to take up his duties as President of the United States.

Abraham Lincoln's life was unique for its successes and tragedies, and his birthday this month has been celebrated over the length and breadth of our Nation.

Having the good fortune to represent the district in Congress once represented by the immortal Lincoln, it is, indeed, a pleasure to pay tribute to the memory of his illustrious name. Living as I do in the locality where Lincoln once lived, where he practiced law, where he went about the streets in his humble way spreading kindness and cheer, where his great heart went out in sympathy for the unfortunate and the downtrodden, where he bestowed so many acts of kindness, where he lived as a loving husband and father, and living as I do almost in the shadow of his tomb, wherein is all that remains of him, I wish to express my appreciation for being permitted to have the opportunity to make a few remarks about my illustrious predecessor.

The name of Lincoln will live forever in the heart of a grateful Nation. Born in humble obscurity in a cabin among the hills of Kentucky, he was destined to amaze the world with his simple life and the nobleness of his purpose.

In his early life he met reverse after reverse; the cup of joy was never his, but bitterness crept into his life from every angle. From early youth until his tragic death his heart bled for his fellowmen. Hungry, half clad, and living in poverty in his youth, his horizon forever dark, this man had an undaunted courage, and with faith in his country and in the people, both of whom he loved with a great tenderness, Lincoln, saddened in heart and soul, drank of the cup of bitterness day after day until that fateful night in the city of Washington when he met death at the hands of an assassin.

On this occasion it may not be amiss to reflect a little upon the influence of Lincoln upon America and the American youth. With the life of Lincoln as an example, America has taught the world that in this country a boy, although born in humble and lowly surroundings, may achieve the highest honors of the Nation. In the life of Abraham Lincoln America has taught the world that in bestowing honors upon its people it does not look alone to the rich and powerful, but it selects its leaders by reason of worth and not by reason of birth.

The life of Lincoln has been a source of inspiration to thousands of young men starting out in life's career, and the story of his early reverses has caused many a young man to climb the ladder of fame who without the tragic story of Lincoln before him might have become discouraged and fallen by the wayside. It has taught America that she can say to the young man, although born in poverty and want, "Sir, you are a prince; you may attain the highest honors in the gift of the Nation."

This man's life history is considered by many as the most intesting narrative in the annals of all history. Ushered into the world in extreme poverty, of uneducated parentage, he was destined to be the chief actor in a period of our national life which threatened to tear our Nation from its foundation.

Although spending only a few years of his life in school, the products of his pen are considered by many to rank among the literary classics of the world. His Gettysburg address has long been considered as the acme of perfection.

To Lincoln there was no North nor South, and the noble sons of the South have been quick to respond to the noble purpose emanating from the great heart of Lincoln.

I quote from a distinguished Senator from Arkansas on the anniversary of the birth of Lincoln:

"As a representative in this body of what has come to be known as the new South, I bow my head to-day in reverence. I pluck a white rose, blooming in the gardens of Dixie, and lay it on the tomb of the brave, humble, awkward, patient, immortal Lincoln, whose courage and charity have been excelled by the leader of armed forces nowhere at no time in the annals of human history.

"In what other land, under what other sky could one of such humble birth, of such simple attributes, but of such determined principles, have attained the prominence which crowned Abraham Lincoln?

"If he could come back to life and move again among the men who served this Nation, he would find nowhere a more secure abiding place, nowhere would he be more cordially received than in the land of Dixie."

What a wonderful tribute to the memory of Lincoln from a son of the South!

Lincoln loved his home folks. Nothing is more touching or more expresses his deep feeling and sympathy for the people among whom he lived than his address from the rear platform of the train in Springfield, Ill., the morning he started to Washington to assume his duties as President of the United States.

It was on February 11, 1861, that Lincoln, standing in the rain, said to a small number of his friends and neighbors, who had met at the station to bid him farewell:

"My friends, no one not in my situation can appreciate my feelings of sadness at this parting. To this place and the kindness of this people I owe everything. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children were born and one lies buried. I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested on the shoulders of Washington. Without the aid of that Divine Being, who ever aided him, who controls mine and all destinies, I can not succeed. With that assistance I can not fail. Trusting in Him who can go with me and remain with you and be everywhere, for good, let us confidently hope that all will be well. To His care commending you, as I hope in your prayers you will commend me, I bid you, friends and neighbors, an affectionate farewell."

Lincoln will live forever in the hearts of men and women of America. His honesty will ever be taught in our schools. His success against great odds will ever be an inspiration to the struggling American youth. The sadness of his life will ever bring tears to the eyes of all true Americans. His reverence for his mother will ever be heralded to the youth of the land, for it was he who said:

"All that I am, all that I have, all I expect to be, I owe to my angel mother."

His strange, sad face will ever be before the American people. Those wistful eyes that had a tear for every fallen soldier of the Civil War will never be forgotten and will be the guiding star to this and future generations.

A child of the wilderness, his picture now adorns the palaces of kings and the homes of the rich and the poor alike, for all join in doing honor to this humble, sad, martyred son of America, who seemingly bore a crown of thorns from the cradle to the grave.

Years will come and go, time will pass, the thrones of kings may totter and fall, the fame of distant heroes may be forgotten, but the American people will forever behold the image of this man—the most sorrowful, the most tender, and the most pathetic personage in history.

So we are not surprised that Secretary Stanton, at the deathbed of Lincoln, after the last drop of his crimson blood had been shed, remarked: "He now belongs to the ages."

Within the last few weeks a book has been published tending to belittle and blacken the memory of Abraham Lincoln. The general consensus of opinion is that this uncalled-for attack upon the Great Emancipator is for the purpose of increasing the sale of the book. If that is the purpose, it is sincerely hoped that it will fail.

When, in due time, the pages of this book are brown with age and the book, with its cruel, bitter sarcasm, has been confined to the garret and entirely forgotten, the memory of Lincoln will be more deeply enshrined in the hearts of the American people; the lessons of his honest and faithful service to his country in the time of its greatest peril will still be remembered; his great struggle for success against the greatest of adversities and his magnificent rise from poverty to the highest gift of the Nation will be a shining star and a beacon light to our American youth. The heart of America will not permit the memory of our great Lincoln to be crucified upon a cross of silver dollars.

Washington and Lincoln were, of course, much more than great believers, great advocates of education, of Federal union, and of individual industry. They were legislators, executives, politicians, and diplomats. They were all these and more. But I consider their chief distinction is that they gave to the world and humanity its chiefest example of free government. We should all highly resolve that they shall not have struggled in vain, that we will not fail them, and that we will do all that feeble finite hand and mind can do to make real that which was their ideal.

It seems that this dear country of ours was divinely ordained. I believe that the curtain of waters of the Atlantic Ocean was held down on the Western Hemisphere until the prow of Columbus parted these western waters in 1492 for a mighty purpose. I believe that that mighty purpose was and is to establish—yea, to maintain—here on this western continent a mighty and model Republic. I believe that it is part of that mighty purpose that this mighty Republic should be and become in truth and in fact the heir of the ages, the child of the centuries, the beacon light of liberty, the last hope of humanity, utterly regardless of what it costs—in men or in money, in brain or in bayonets, in treasure or in tears.

Wise and just, brave and firm, our forefathers and our fathers have gone away for awhile and have left in our hands the work of their hands. It is worth saving; it is worth serving. Let us do so right now in humble imitation of their august example, pledge to the mighty work—our lives, our fortunes, and our sacred honors.

Washington and Lincoln—the founder and preserver of our country. Washington made and Lincoln preserved our great ship of state. May their memory live forever. Permit me in conclusion to quote from the majestic poem:

"Thou, too, sail on, O ship of state!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!"

PRINTING THE ADDRESS BY MR. BECK ON GEORGE WASHINGTON

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the address delivered yesterday by the gentleman from Pennsylvania [Mr. BECK] on George Washington, be printed as a House document. I make this request because, among other things, the same gentleman delivered an able address two years ago which was printed as a House document and which has been useful to the George Washington Bicentennial Commission in its work of carrying forward the celebration to be held next year. The address delivered yesterday will be helpful in the same direction.

Mr. EDWARDS. How many copies does the gentleman provide for?

Mr. TILSON. The usual number for House documents.

Mr. EDWARDS. I think it would be desirable to have them distributed through the folding room.

Mr. TILSON. If they are printed without a provision for an extra number they are made available in the document room. If we have the usual number printed we can take care of the situation later if additional copies are desired.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

EVENING SESSION ON THE PRIVATE CALENDAR

Mr. TILSON. Now, Mr. Speaker, I ask unanimous consent that to-morrow it shall be in order to move to take a recess until 8 o'clock p. m. and that at the evening session private bills on the calendar unobjected to may be considered in the House as in Committee of the Whole, beginning where we left off on Monday night, the session to continue not later than 11 o'clock.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on to-morrow it shall be in order to move to take a recess until 8 o'clock p. m.; that at the evening session, which shall last not longer than 11 o'clock, private bills on the calendar unobjected to may be considered in the House as in Committee of the Whole beginning at Calendar No. 848. Is there objection?

Mr. UNDERHILL. Reserving the right to object, may I ask if the gentleman from Connecticut proposes to have evening sessions right along on the Private Calendar, or is this the last opportunity that we will have?

Mr. TILSON. That depends on the progress made. If we make substantial progress it may be the last opportunity. If we do not make good progress, I shall ask for a session every available evening for the remainder of the session.

Mr. CRAMTON. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. CRAMTON. Would it be possible to include in that request that in the case of any bill that heretofore has been objected to, that upon the withdrawal of the objection made by the person who made it when it was called that bill may be called subject to objection?

Mr. TILSON. It can be done without any agreement.

Mr. CRAMTON. No. I understand that it has been ruled that it could not be done. For instance, take a bill that may be back of the star, to which some one has objected. With fuller information the objector may feel that he is willing to have the bill go through. It seems to me that it would be advisable that such a request might be made in respect to further considering the bill.

Mr. COLLINS. There are over 100 bills on this calendar that have been considered several times. Others have not been called. If the practice that the gentleman from Michigan suggests is adopted, the Congress would spend the whole evening on bills that have already been considered and objected to.

Mr. CRAMTON. Then bills that have been objected to only once might on a statement of withdrawal by the objector be called again.

Mr. STAFFORD. That would refer only to those bills that were considered last night.

Mr. CRAMTON. No.

Mr. STAFFORD. Because we had reached last night only those bills that had not been given a hearing before. If we are going to adopt the proposal of the gentleman from Michigan to-morrow night, we will not make much headway.

Mr. CRAMTON. Then, I make this request: That it apply to those that have been called only once, that being those that were called last night. It gives those bills that were objected to last night a rehearing, which the others have had.

Mr. TILSON. I think that might be done, if my request is granted, unless somebody objects to it.

Mr. CRAMTON. With the statements made, I am agreeable.

Mr. CLARKE of New York. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. CLARKE of New York. Will the oleo bill come up to-morrow?

Mr. TILSON. That has nothing to do with my request.

Mr. SNELL. That bill will be called up the first thing to-morrow. Reserving the right to object, Mr. Speaker, as I understand the request of the floor leader it is that it shall be in order to consider bills on the Private Calendar beginning at the star. That was the request under which we worked last evening. I happened to be in the chair, and I ruled that I did not think it was proper to go back of the star. I think there should be a definite understanding in respect to that. If we are going to go back of the star, we should say so; and, if not, we should stick to it.

Mr. HASTINGS. Mr. Speaker, I shall set the whole thing at rest. So far as I am concerned, I shall object to going

back of Calendar No. 848, at the star. Some of us have been here watching for local bills to be called up for a long time. There are 500, or approximately that many, that have not had an opportunity of being called. We ought to have our day in court. If the provision or exception or condition suggested by the gentleman from Michigan is placed on the request of the gentleman from Connecticut, it will simply be an invitation to every Member here who has had a bill passed over to interview the person who objected to it, and as a result to-morrow night will be spent in going over those bills that have once been called. I think it is only fair to the membership of the House that they have an opportunity before the closing of this session to have their bills called at least once.

Mr. TILSON. I am making every effort possible, as the gentleman will bear me witness, to secure an opportunity for all of these bills to be called.

Mr. HASTINGS. Let us run through the calendar once, and then let us go back over them and have an opportunity of calling them a second time, but we ought not to take up all of the time to-morrow night giving opportunity to a few Members who have had their bills called to go and importune those who objected to their bills to withdraw the objection.

Mr. SNELL. We will not get very far if we do that.

Mr. TILSON. Under any condition, one objection will stop it.

The SPEAKER. Does the Chair understand that the gentleman from Connecticut couples with his request the condition suggested by the gentleman from Michigan?

Mr. TILSON. No, Mr. Speaker; I make the simple request that to-morrow evening from 8 to 11 be devoted to the consideration of bills unobjected on the Private Calendar, as heretofore.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. IRWIN. Mr. Speaker, reserving the right to object, I understand that the gentleman from Connecticut wishes to go through the calendar. There are 500 bills on the calendar after the star. Is the gentleman intending to have another night session after Wednesday night?

Mr. TILSON. Unless very substantial progress is made to-morrow, I shall certainly ask for another night to consider these bills.

Mr. IRWIN. Would that be on Friday night or Saturday night?

Mr. TILSON. Probably Friday.

Mr. SIMMONS. I suggest to the gentleman that there is the dedication of a new building at the Zoo to which all of the Members of Congress have been invited by the Smithsonian Institution on Friday night.

Mr. TILSON. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HASTINGS. Mr. Speaker, I am going to be here to-morrow night, and I shall object to going behind the star, No. 848 on the calendar.

Mr. STAFFORD. The occupant of the chair so ruled, and it will be considered as the ruling for to-morrow night.

SUITS AGAINST THE UNITED STATES

Mr. GRAHAM. Mr. Speaker, I call up a conference report on the bill (H. R. 980) to permit the United States to be made a party defendant in certain cases and ask for its adoption.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, without taking the time to read the report, when this bill was sent to conference the Commissioner of Reclamation called my attention to the fact that the bill would be inadequate to properly protect the Government's interest in reclamation cases. I do not know whether the substitute now proposed has been framed with due consideration of that criticism or not. Yesterday I tried to ascertain, but the offices were closed. I sent a letter down and I will know to-day whether the director feels their interests are now protected. I ask the gentleman to withhold the request for the present.

Mr. GRAHAM. I would answer the gentleman from Michigan [Mr. CRAMTON] by saying that in my opinion the rights of that department have been thoroughly protected and this bill comes with the approval of every conferee and the Attorney General. The bill was practically drafted by the Attorney General after a number of our conferences had been held upon the bill.

Mr. CRAMTON. If the gentleman will permit me, I am sure he desires every interest protected, and if the gentleman would defer it until later in the day, I will attempt to ascertain at once.

Mr. GRAHAM. I have no objection to that, although I think it is entirely covered in the bill.

I withdraw the conference report, Mr. Speaker.

Mr. CRAMTON. Under leave granted me I extend my remarks on this conference report by inserting the following letters from the Commissioner of Reclamation and the Secretary of the Interior. I especially call attention to the amendment suggested in the letter of February 24, 1931, from the commissioner.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, February 24, 1931.

Hon. LOUIS C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: Reference is made to your letter of February 23. The conference revision of H. R. 980, as set out on page 5578 of the CONGRESSIONAL RECORD, is subject, from the standpoint of this bureau, to the objections which were pointed out in the Secretary's letter of February 13, 1930, to Hon. GEORGE W. NORRIS, chairman of the Senate Judiciary Committee, a copy of which letter is inclosed for ready reference.

As explained in that letter, the United States in contracting for the sale of water rights from reclamation projects does not examine the title of the proposed water-right applicant, and often, as a matter of fact, the land is heavily encumbered when the Government lien attaches. Section 3 of the proposed law would permit the senior lienors to wipe out the Government's security unless the bureau has the funds with which to redeem within one year. The matter is very important on the Grand Valley, Uncompahgre, Salt River, Strawberry Valley, and Orland projects, where these liens are the only security that the Government has, other than the personal liability of the water users, to secure the return of the construction charges.

Under present laws, those foreclosing a mortgage on land under Government water-right application are unable to make the United States a party defendant, and the result is that the foreclosure sale leaves the land still subject to the Government lien. So far as we are aware, no objections have been raised by the landowners to this result, and it would seem that the proposed bill should be amended by the addition of a section reading somewhat as follows: "This act shall not apply to any lien of the United States held by it or for its benefit under the Federal reclamation laws."

Very truly yours,

ELWOOD MEAD, *Commissioner.*

THE SECRETARY OF THE INTERIOR,
Washington, February 13, 1930.

Hon. GEORGE W. NORRIS,
Chairman Senate Judiciary Committee,
United States Senate.

MY DEAR SENATOR NORRIS: From the CONGRESSIONAL RECORD for February 5, 1930, pages 3235 to 3239, I note that the House has passed a bill, H. R. 980, to permit the foreclosure as against the United States of junior liens held by the Federal Government.

This bill will affect adversely the return of Federal moneys invested in the reclamation of arid lands under the provisions of the act of June 17, 1902 (32 Stat. 388), and amendatory acts, known as the Federal reclamation laws.

Under these laws the Government constructs reclamation projects and the department apportions the cost to the lands benefited, the landowners, where land is in private ownership, executing a contract to pay the construction and other charges in installments over a period of years. Under this contract, called a water-right application, a lien is created upon the benefited land to secure the payment of the installments of the charges as they come due.

At the time of taking water-right applications the land titles are not examined, as the task of doing so would be onerous where many contracts are executed within a short time. It results, therefore, that the United States often accepts a second or even later lien. In the past this has made no practical difference, as the impossibility of removing the Government's lien, except by payment, has permitted the lien of the United States in process of time to become a first lien. However, even if the Government holds a first lien, it is liable at any time to be made a second lien by the accruing of taxes.

The theory of the Federal reclamation laws is that the money invested in irrigation works is to be returned undepleted for in-

vestment in further irrigation enterprises. The revolving feature of the law is important, and it appears that H. R. 980 may be utilized to cut down the receipts into the reclamation fund from beneficiaries of the law. The Government has advanced and is advancing its funds for a period ranging from 10 to 80 years without interest, and no reason is seen why the present law should be modified so as to permit the Government's lien to be defeated by senior lien holders. On a number of the reclamation projects these liens are the Government's sole reliance for the payment of the charges, and to the extent that landowners are enabled to secure the release of the liens without payment the returns from the project will fail to meet the capital investment of the United States. It is the water right chiefly that gives the land its value. In an arid country often land that can be used only for grazing purposes and has a value of $5 or $10 an acre is increased in value by the water right to $100 and often much more. There is no apparent reason why on foreclosure the sale should not be made subject to the water right and the unpaid charges on account of it. This is the result of the present practice, and little or no complaint has been heard because of it on the reclamation projects of the Government.

It appears that the status quo, so far as reclamation liens are concerned, would be preserved if the following words were added at the end of section 10 of H. R. 980, "Nor to liens held by or for the benefit of the United States under the Federal reclamation laws," so that section 10, as so amended, would read as follows:

"SEC. 10. This act shall not apply to any lien of the United States upon any vessel or vehicle if a violation of the customs, prohibition, narcotic drug, or immigration laws is involved, nor to any maritime or preferred vessel-mortgage lien, nor to liens held by or for the benefit of the United States under the Federal reclamation laws."

If the bill is referred to your committee, as appears probable, it is hoped that you will give the foregoing comment your consideration, and recommend amendment of the bill as suggested, if you conclude the amendment to be appropriate.

Very truly yours,

RAY LYMAN WILBUR.

DISTRICT OF COLUMBIA TRAFFIC ACTS

Mr. ZIHLMAN, from the Committee on the District of Columbia, presented a conference report for printing, under the rule, on the bill (H. R. 14922) to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc.

PROPOSED AMENDMENT TO THE CONSTITUTION

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 356) which I send to the desk.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself in the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 292, proposing an amendment to the Constitution of the United States. That after general debate, which shall be confined to the House joint resolution and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Election of President, Vice President, and Representatives in Congress, the House joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the House joint resolution for amendment the committee shall rise and report the House joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the House joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MICHENER. May I ask how much time is desired on the other side?

Mr. BANKHEAD. We would like 10 minutes on this side.

Mr. MICHENER. Mr. Speaker, ladies and gentlemen of the House, this resolution makes in order House Joint Resolution 292, known as the Gifford resolution, and which is sometimes affectionately designated as the "lame-duck amendment." In many particulars it is similar to a resolution which has been passed by the Senate at least six times, and which has been thoroughly considered by the House on previous occasions.

If this rule is adopted, it will make in order the consideration of the resolution under the general rules of the House. General debate, however, will be limited to four hours. The time will be divided equally between the chairman of the committee reporting the resolution and the ranking member on the minority side.

In other particulars this is the usual rule.

Let us remember in the beginning that this proposed amendment in no way changes fundamental constitutional principles, but deals entirely with the mechanics or procedure, so to speak. If adopted, it makes it possible for the Government to-day to function under the Constitution as intended by the forefathers, but in the light of present-day conditions. The resolution is not lengthy. The first section provides that the terms of the President and Vice President shall end at noon on the 24th day of January, and that of Senators and Representatives at noon on the 4th day of January, and the terms of their successors shall then begin.

Of course there has been much discussion about whether or not this change should be made. I feel that possibly a large part of the opposition to this resolution in the past has been due to the provisions of this section.

There is nothing sacred about March 4. We should not forget that in the beginning it was the intention of the forefathers and the framers of the Constitution that the new Congress should function as soon as possible, after election. That matter was thoroughly discussed. Finally, on September 13, 1788, the Continental Congress provided for the selection of presidential electors and Representatives in Congress, and fixed the first Wednesday in January for the selection of the electors in the respective States, and the first Wednesday in February for the electors to assemble and vote for the President and Vice President, and the first Wednesday in March for the commencement of proceedings under the Constitution. They selected the first Wednesday in March, not the 4th of March, but the first Wednesday in March, because it was presumed at that time that that would be the first opportunity under which it could reasonably be expected that Congress could be assembled and the new President might be inaugurated. It was intended at that time that the President-elect should be installed on March 4. However, the exigencies of the occasion were such that the Continental Congress even in those days, misjudged and it was not possible to inaugurate the President until the 30th of April, 1789. In these days of improved transportation and communication the reason which deferred the inauguration and the meeting of the new Congress has disappeared, and if this were a new question there would be no doubt as to what the Congress would do.

Mr. BLANTON. Will the gentleman yield?

Mr. MICHENER. I would rather not yield at this time.

Mr. BLANTON. I would like to ask one question.

Mr. MICHENER. If the gentleman will make it a short question, and not a comment, I will yield.

Mr. BLANTON. The present membership is elected for two years from March 4 to the succeeding March 4 two years. How would it affect their tenure of office?

Mr. MICHENER. That matter will be thoroughly discussed and explained by the legislative committee when the matter comes before the House. Of course, that same question was considered on the previous occasion and no one ever raised any question about the matter.

However, the gentleman from Massachusetts [Mr. GIFFORD], in charge of the bill, will fully explain that.

The time intervening between election and the convening of the legislative bodies is much longer here than in any of the principal nations of the world. Indeed, there is no precedent for the expiration of so long a period. In England the Parliament usually convenes two or three weeks after election. No definite time is fixed by law in Canada, but the time is usually short. In France the Chamber of Deputies, in case of prorogation and a new election, must convene within 10 days after the election. The latest action of any country is in Germany, where it is provided in their Constitution, approved in August, 1919, that the Reichstag shall assemble for the first meeting not later than 30 days after the election. So it seems an anomaly that here in America, where we have a democratic government, where we boast that we have the rule of the people, that when the people have spoken at an election the Representatives selected by the people can not begin to function until 13 months after the election, unless they are called into extraordinary session by the President.

Section 2 of the resolution is the section which will probably cause more or less controversy in debate, more or less discussion, and more men and women in this House to-day are undecided as to whether or not they will vote

for this resolution because they fear that there will be no limitation placed on either of the sessions.

The section as suggested provides that—

The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January unless they shall by law appoint a different day.

This provision is flexible. If it is found that the time is wrong, the Congress can change the time without interfering with the Constitution.

I am one of those who hope that there will be an amendment to this section. I favor a limitation on the second session. We to-day have three months in the short session. I favor a limitation to make the last session four months, or possibly five months, in length. So far as the question of filibustering is concerned, of course, there may be a filibuster if there is a limitation, but you can not eliminate the filibuster, because, assuming that there was no limitation and that the Congress sat throughout the entire summer and approached the new session of Congress, when the new Congress comes into being, a filibuster is just as effective there as it is at any other time. I am happy to say that an amendment proposing a limitation will be presented to the House by the Speaker of the House when we are considering the bill under the 5-minute rule, and I think I have authority to say that the Speaker of the House favors the adoption of the Gifford resolution and will vote for the same with that amendment.

Section 3 and section 4 of the bill deal with the succession in case of death and with some other matters. These sections are somewhat technical and will be fully explained by those best able to explain them, and, in my judgment, there will be little discussion about those matters.

Then we come to section 5. Section 5 fixes the date when the amendment, if ratified by three-fourths of the States, shall become effective.

Section 6 provides for the ratification of the amendment by the States. This section is unique in that it contains provisions never heretofore embodied in a constitutional amendment. The section reads as follows:

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress.

Listen:

And the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission.

In other words, we have heard complaints about some of the existing amendments to the Constitution on the ground that unfair advantage was taken of the people, that the issue was not before the legislatures, and that the legislatures hastily and willy-nilly ratified because of pressure brought upon them by organized minorities. So in this amendment as submitted this issue will be squarely before the citizens of every State in this Union in the election of at least one branch of its legislative body. For one I want to commend the committee for bringing this fair provision before the Congress.

Mr. DYER. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. DYER. Does the gentleman approve of this amendment to the section?

Mr. MICHENER. I approve of the proposed amendment to the section. There is just one other thing of which I want to speak and that is this: It is oftentimes said that Congress acts hastily on constitutional amendments. I say that the Congress is not acting hastily on this constitutional amendment. This matter has been before the country for 10 or 15 years; indeed, it has been a live issue in practically every section of the country. I dare say that in the last few years few subjects of national importance have received the editorial and newspaper comment which this particular amendment has received, and I say further, and without fear of successful contradiction, that the preponderance of editorial comment and that the overwhelming proportion of the editors and newspaper people of this country stand squarely committed to this amendment. They have not only been requesting it but they have been demanding it. They have been finding fault with the Congress of the United States and they have said that the leadership in Congress has refused to permit this constitutional amendment to come before the people for action.

This is not emergency legislation and the leadership of the present House announced early in this session that an opportunity would be given to vote on this resolution before adjournment and that promise has been kept. This is a very controversial question.

So far as I know no legislation of major importance which has been inimical to the best interests of the country has ever been enacted by a hold-over Congress, yet the converse might be true. Ours is a Government functioning through political parties. These parties go to the people in the elections on specific platforms, and there are great national issues involved. The people pass on these issues at the election and have a right to have their representatives representing their views on these issues placed in a position where the principles involved in the election may be put into operation. Under existing conditions the election is held in November, and there is no possible way whereby the legislative branch of the Government may function for more than a year after the election, unless, of course, the Executive convenes the Congress in extraordinary session. The people of the country want this condition remedied. Careful study has convinced the committee that two months between election and the convening of Congress is a sufficient time, and that 20 days between the convening of Congress and the inauguration of the President is a sufficient time to permit the Congress to organize and prepare for the President's message. It may be pointed out that this is too short a period. On the other hand, it may be said that 20 days will not be required. Experience will tell, and if the time is not properly adequate the Congress may by legislation change the date. The Constitution may be changed so that in case the House of Representatives is ever required to elect a President that this important duty will be performed by a Congress elected on the same issues on which the President was elected and not by a Congress which was elected two years preceding and many Members of which have possibly been repudiated at the polls.

We must not forget that the Burr and Jefferson, the Adams and Jackson, and the Tilden and Hayes elections were decided in the House, and we all remember that with three candidates in the field, Coolidge, Davis, and La Follette, in 1924 there was much apprehension as to what might have happened had the result at the election been different.

Since the Constitution was framed we have made changes in the manner of selecting United States Senators. These officials are now elected in the same elections at which Representatives are voted upon, and it is not necessary to make the convening of Congress dependent upon the meeting of State legislatures, who formerly selected the Senators.

We are agreed that we should be very careful about meddling with our fundamental law, yet when the conditions of the country have so changed that an amendment is essential to the best interests of our people I am sure that none have such reverence for the Constitution that they will object to making its terms and provisions applicable to present-day necessities, and I hope that this rule will be adopted and that the Gifford resolution with the Longworth amendment will pass the House and be approved by the States.

Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD], a member of the committee.

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, I shall not consume any of the time allotted to me in a discussion of the rule or of the constitutional amendment, further than to say that, as I remember it, there was no opposition to the granting of this rule in the committee. So far as I am personally concerned, although I have heretofore opposed this amendment, after further reflection and consideration, I have reached the conclusion to support it when submitted at this time.

I desire, Mr. Speaker, to take advantage of the opportunity afforded to call attention to the language of a decision made by the gentleman from Michigan [Mr. MAPES] in presiding over the Committee of the Whole upon yesterday, which I do not think should be allowed to remain as a permanent decision and possibly as a precedent for the future deliberations of the House, without protest.

When the so-called Wagner bill was up for consideration upon yesterday and the substitute was offered, the gentleman from New York [Mr. O'CONNOR] made a point of order against the substitute on two grounds, the second of which was that the substitute was not germane to the original bill. I think the gentleman from New York offered sound and cogent reasons why the point of order should be sustained.

I am not quarreling, however, with the decision reached by the gentleman from Michigan in rendering his decision, but the language in which he couched it might possibly be misleading to some future occupant of the chair in ruling upon an identical proposition. We know how the Speaker and Chairmen of Committees of the Whole are bound by the precedents. We had a rather illuminating example of that a few days ago when the present distinguished Speaker was ruling upon a point of order with reference to the Florida Park bill, in which he meticulously observed the precedents of the House, while at the same time making a very persuasive argument for his side of the House to overrule his decision, which was thereafter effective; but, nevertheless, the circumstances show that the Speaker is anxious to preserve intact the position of the House on its former precedents.

The gentleman from Michigan [Mr. MAPES] rendered this decision and I think every parliamentarian here will agree with me it is an unsound decision. It may have been an ill-considered one; it may have been hastily delivered, but he ruled thus:

> As to the second point, the Chair feels that the substitute which the gentleman from Pennsylvania has offered—and, of course, in ruling on the point of order the Chair does not consider the merits of the proposed legislation at all—the substitute, it seems to the Chair, is along the same general lines as the bill, but somewhat more restrictive, and, of course, an amendment which is restrictive is always in order.

I do not think the gentleman from Michigan, however learned he may be in the parliamentary precedents, can find any well-considered precedent that holds that this is a correct interpretation of the rules of the House. Necessarily, under all the rulings, it must be germane to the original proposition involved, but if we follow this precedent—and it is set out in definite terms and may be taken as a precedent hereafter by any occupant of the chair—it would be held that all substitutes that might be along the same general lines and were merely restrictive in their force and effect would be germane and, for one, Mr. Speaker, anxious to preserve some consistency in the precedents I want to note this protest against the decision.

Mr. DYER. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. DYER. I know the gentleman wants to quote the Chairman of the committee correctly. I do not recall that in his decision he spoke of the committee amendment as a substitute.

Mr. BANKHEAD. I quoted the exact language of the Chair in rendering his decision, and I will have that incorporated in my remarks, and he used the term "substitute."

Mr. Speaker, I now yield two minutes to the gentleman from Arkansas [Mr. GLOVER].

ANNOUNCEMENT

Mr. GLOVER. Mr. Speaker and gentlemen of the House, I shall take these two minutes to make an announcement to the House. We have in the city now Judge J. P. Lightfoot, the president of the association fostering the Broadway of America, which leads from New York to San Diego. He is here for the purpose of extending an invitation to the President of the United States to address a national meeting which is to be held at Hot Springs National Park on the 20th and 21st of April next. I am requested by him to extend an invitation to the Speaker of the House and the Members of the Congress to be present at that time and to participate in this great meeting which means so much to America.

The commission that has been working on this matter now has a highway, 97 per cent paved, from New York to San Diego, and I am extending to each of you, through the president of the association, an invitation to be present at that time, on April 20 and 21 at Hot Springs, Ark. [Applause.]

PROPOSED AMENDMENT OF THE CONSTITUTION

Mr. MICHENER. Mr. Speaker, I yield five additional minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, I yield that time to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker and gentlemen, in reference to the "lame-duck" amendment, permit me to say that I am glad it is going to be considered by the House, but I want to state that I believe that altogether too much importance has been attached to it. I believe that there are many more important things for the consideration of this Congress than this particular measure.

I have been surprised at the sources of such enthusiastic support it has received, for instance, that so many women's organizations throughout the country have taken such a keen interest in the bill.

I think the great pressure for its adoption illustrates the magnifying of the unimportant. We have pending in Congress, yet to be considered, in this very serious situation in which we find the country, many much more important measures.

I do not object to the consideration of this measure, but I would like to see it perfected in some particulars.

I was very much interested in hearing the gentleman from Michigan [Mr. MICHENER] call particular attention to section 6, wherein is provided, as he says, for the first time in the history of the country, the proposal that this constitutional amendment must be adopted after the election of at least one branch of the legislature. If that is a new departure or "unique" as the gentleman called it, it is not unique enough for me. Undoubtedly many Members will oppose it as too unique. Throughout this country to-day, from Maine to California, there is no more violent protest on any subject than against amendments to the Federal Constitution for any purpose. Many people oppose any amendment. Next there are a legion of sound-thinking men and women in this country who oppose amendments to the Constitution by piecemeal. They insist on an opportunity to have the Constitution amended revised in a general national convention. The matter has been discussed thoroughly, and many persons want this tinkering with the Constitution stopped.

Next, there are countless persons like myself who are opposed to the submission of any amendment to the Constitution for ratification by the legislatures of the States. Why is it provided in Article V of the Constitution that there be two methods of submission—the method of ratification by legislature and by conventions in the States? Was the "conventions" a useless or superfluous alternative put into the Constitution? Why should we not submit this amendment to conventions in the States—what is the objection to such a method? It is provided for in the Constitution. Our forefathers thought well enough of it to place it there. Why has Congress continually dodged that method? Throughout the country there is a real demand for the submission of constitutional amendments to conventions. If you do not use that method and heed this demand, I believe that some day you will have the referendum as the method of adoption in the States.

I suggest now that we take the middle course between ratification by referendum or by the legislature. Electing one branch of the legislature after submission does not meet the demand of the people of the country that they have a more direct vote on the subject of amending the Federal Constitution.

I shall propose at the proper time—and I can see no real grounds for anybody to oppose it—an amendment to section

6 that this article be submitted to a convention of the States. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MICHENER. I yield the gentleman one minute more.

Mr. O'CONNOR of New York. I do not want it.

Mr. MICHENER. How much time does the gentleman want?

Mr. O'CONNOR of New York. I think this side should have had 30 minutes; I want at least 5.

Mr. MICHENER. I asked the ranking member how much time he desired and he stated the time, and I have yielded all the time requested. If the gentleman made a mistake in regard to the time, I yield five minutes more to the gentleman.

Mr. GIFFORD. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. GIFFORD. The gentleman proposes to offer an amendment. I think it is proper to say that the reason that this has never been done before by the legislatures is that you can not bind a convention to deal with this matter alone.

Mr. O'CONNOR of New York. The gentleman is confused, and I want to dissipate that confusion right now, because I have heard that old bromide of an argument for some time. This is what the gentleman has in mind: Under Article V of the Constitution, the Constitution may be amended in a national convention at the request of two-thirds of the States. There the question might arise as to whether or not a limit could be placed upon the deliberations of the convention, as, for instance, if the States requested a constitutional amendment to pass on the sixteenth amendment, whether they could go beyond the consideration of that particular provision and generally into a revision of the entire Constitution. That is the situation the gentleman has in mind; but when you submit one amendment to the conventions in the States for ratification and you submit it to separate conventions called in each State, that is a limitation on the action of those conventions, and they can not go outside of that particular amendment.

Mr. LUCE. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. LUCE. This matter has perplexed various State conventions. Different views have been taken by the conventions. The weight of authority, in my judgment, after reading everything I could find on the subject, is to the effect that the gentleman is in error. A state convention once having assembled is the embodiment of the sovereignty of the State, is a law unto itself, and may consider any question that it sees fit to take up.

Mr. O'CONNOR of New York. I have read everything that has been said in the last year on this much-controverted question. If that is so, gentlemen, what could happen? Let us say that a convention is assembled in the State of New York to act on the submission of this so-called "lame-duck" amendment. Suppose the convention wants to take up something else and does take up something else. How can that possibly affect Congress or the Constitution? They have either to adopt the proposed amendment or not adopt it.

Mr. LUCE. There are States in the Union that, for one reason or another, do not want any convention. Indiana, for example, has long resisted a convention, and Illinois has resisted holding any convention because if once called it will redistrict the State and give more power to Chicago and less to the rest of the State. The practical result of the gentleman's suggestion would make it impossible to ratify amendments to the Constitution unless there were overwhelming demand for them.

Mr. O'CONNOR of New York. Oh, the gentleman is one of those who worship at the shrine of the Constitution, which is the embodiment of Deity to him. But he says at the same time that Congress should not proceed under this Constitution because a couple of States protest in the matter and do not intend to follow the mandate of the suggestion of Congress or the provision of the Constitution.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. GIFFORD. In the debate in the Congress in 1803, when the twelfth amendment was presented, it was debated and decided that if the States were called to ratify an amendment presented to them, there was no way by which you could prevent them from acting on other matters affecting the Constitution.

Mr. O'CONNOR of New York. They could not do anything if they did act. They could act for the rest of time, and what could they do? They have but one question that pertains to this matter and one course to pursue, and that is to either vote it up or vote it down. They can hold their town meeting and discuss everything under the sun. That is the practical answer to the gentleman's suggestion. I do not believe it is the sentiment of this country to evade that provision of the Constitution. A democratic procedure is the proper one to follow, and we should submit this to conventions in the States.

Mr. MICHENER. Mr. Speaker, I yield 15 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker, I discussed the merits of the pending resolution when it was before the House of Representatives in March, 1928. The proposed amendment has in a way been before the country for a number of years. I do not think there is much excitement about it. There is probably more excitement right here in the House over this proposal than in any other place in the country. Although I have been for the proposed amendment for 10 years, and introduced the American Bar Association proposal to amend the Constitution as contemplated in the pending resolution back in 1923, I have received but very few communications favoring or opposing the resolution.

The proposed amendment was carefully and thoughtfully considered in this House in March, 1928. It was thoroughly discussed. I never saw the House of Representatives in a more deliberative mood than during the time that this proposal was under consideration. One whole day was given to general debate. The House was crowded and attentive. Then another day was given over to the consideration of amendments. After the matter had been disposed of there was printed House Document 331 of the Seventieth Congress, first session, in which you will find all the debates and the proceedings on the proposed amendment to change the dates of the meeting of Congress and of the inauguration of the President.

To-day I shall confine my discussion to section 6 of the resolution that is before you. The gentleman from Michigan [Mr. MICHENER] stated that this section 6 is new. Section 6 was offered as an amendment on March 9, 1928, to the then pending resolution of the same nature as the one that is before us to-day by the gentleman from Tennessee, Mr. Garrett, word for word as it appears in section 6 and was adopted by a vote of 184 to 23. I shall now read section 6, and then speak for a few minutes upon the importance I attach to it as a reform in the process of Constitution amending:

SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission.

The first clause of section 6 is in substance a part of the eighteenth amendment to the Constitution. This clause provides that the proposed amendment to the Constitution shall be inoperative unless ratified by the legislatures of three-fourths of the several States within seven years from the date of submission by Congress to the States. The second clause provides that the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected after such date of submission.

One ground of attack against the validity of the eighteenth amendment was based on that part of the eighteenth amendment which is similar to the first clause of section 6, which I am now discussing. That provision in the eighteenth amendment to the Constitution was held by the

Supreme Court of the United States to be a reasonable limitation in Dillon *v.* Gloss (256 U. S. 368). On page 376 the court says:

> Whether a definite period for ratification shall be fixed, so that all may know what it is and speculation on what is a reasonable time may be avoided, is, in our opinion, a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification.

As you know, there are two modes of ratification of constitutional amendments proposed by Congress—one by the State legislatures and the other by State conventions—and Congress in submitting resolutions to amend the Constitution may designate either one of the two modes. The Supreme Court in Dillon against Gloss held the 7-year limitation valid as an incident to the power of Congress to designate the mode of ratification.

The Supreme Court says on page 374 of this same case:

> Thus the people of the United States, by whom the Constitution was ordained and established, have made it a condition to amending that instrument that the amendment be submitted to representative assemblies in the several States and be ratified in three-fourths of them. The plain meaning of this is (a) that all amendments must have the sanction of the people of the United States, the original fountain of power, acting through representative assemblies, and (b) that ratification by these assemblies in three-fourths of the States shall be taken as a decisive expression of the people's will and be binding on all.

The Constitution of the United States is the people's law. The people alone have the power to change that law. Laws passed by Congress are laws enacted by the agents of the people. Therefore, any law of Congress, which is a law passed by the agents of the people, in violation of any provision of the Constitution, or the people's law, is by the courts held to be unconstitutional and void.

The quotation which I have just given you contains this clause:

> All amendments must have the sanction of the people of the United States, the original fountain of power, acting through representative assemblies.

I quote now from Hawk *v.* Smith (253 U. S. 221), on page 27:

> The method of ratification is left to the choice of Congress. Both methods of ratification, by legislatures or conventions, call for action by deliberative assemblages representative of the people, which it was assumed would voice the will of the people.

The Congress in submitting a proposed constitutional amendment to the State legislatures does not submit it to the State legislatures as such but to the State legislatures as agents of the people. The State legislators elected last year have no commission from the people of their respective States and are not the agents of the people of their respective States to pass on constitutional amendments submitted by Congress after such elections. Before any State legislature has a right under our theory of government to pass upon a proposed constitutional amendment, the members of such legislature should have been elected after the people have had an opportunity to consider and have in mind the proposed amendment to the Constitution of the United States upon which the legislature will be called upon to act. How can a legislature "voice the will of the people" on a proposition of this kind before the people have had an opportunity to consider it and to elect members to the legislature to express by their votes on the proposed constitutional amendment "the will of the people"?

The legislatures now in session were not selected as the agents of the people to act upon the pending proposed constitutional amendment. The idea back of the second clause of section 6 is to bring proposed changes in the Constitution, the people's law, nearer to the people and to permit the people to voice their own will on changing the fundamental law.

If Congress should designate State conventions as the method or mode of ratification, such conventions would be composed of delegates elected by the people. Such delegates, of course, would voice the judgment and will of the people upon the particular amendment submitted. The method of ratification by State conventions has never been used. Congress does not seem to be in a mood to designate this method of ratification. A proper respect for the people's will in changing the Constitution of the United States, it seems to me, demands that Congress should in designating the State legislatures as the method of ratification, require "as an incident of its power to designate the mode of ratification" by State legislatures, that action on the proposed amendment should be delayed until the people have had an opportunity to study the proposal and to instruct the membership of at least one branch of the legislature for or against such ratification.

I have made a study of the ratification of all the amendments to the Constitution since the Civil War. Nearly every amendment to the Constitution that has been submitted since the Civil War was submitted at a time of more or less hysteria and fanaticism. In each case there were ratifications by State legislatures that were elected before the amendment was submitted by Congress. In every instance where the legislatures acted before there was an election subsequent to the submission of the amendment the members of such legislatures were not elected by the people on the issue of the proposed constitutional amendment.

The thirteenth amendment was submitted by Congress on February 1, 1865, and in the same year of 1865 27 States ratified it. I doubt whether there was a single State legislature so ratifying whose membership was elected after this amendment was submitted.

The fourteenth amendment was submitted June 16, 1866. Within the year 1866, 6 States ratified it, within the year 1867, 16 States ratified, and within the year 1868, 8 States ratified. To give you an insight into the haste with which proponents of constitutional amendments desire to get them put over without consulting the people I will read one sentence from a thesis on the fourteenth amendment by Flack. The Mr. Stevens referred to in what I am about to read was Thaddeus Stevens, Republican leader of the House of Representatives at the time. The fourteenth amendment was under discussion in the House of Representatives. The author says on page 101 of this book:

> At the time the resolution was reported Mr. Stevens stated that he wanted it to pass before the sun went down in order that it might be acted upon by the State legislatures, 22 of which were in session at the time.

It has frequently been charged that organized minorities get constitutional amendments submitted by Congress and then these same organizations rush before State legislatures to get action before the people have had an opportunity to consider the proposed amendment and to voice their will through the election of legislators upon the issue of the proposed amendment.

The fifteenth amendment was submitted by Congress February 27, 1869. Within the year 1869, 20 States ratified it, and the next year 10 States ratified it.

The sixteenth amendment, which is the income-tax amendment, was submitted July 12, 1909. In the consideration and ratification of this amendment there was more deliberation and more opportunity for the people to voice their will than on any other amendment that has been submitted by Congress since the Civil War. One State ratified this amendment within the year 1909. In 1910, 8 States ratified it; in 1911, 21 States ratified; in 1912, 4 States ratified; and in 1913, 4 States ratified.

The seventeenth amendment, providing for the election of United States Senators by the people, was submitted by Congress May 6, 1912. Three States ratified it within 1912 and 33 States within 1913.

The eighteenth amendment, providing for national prohibition, was submitted by Congress to the State legislatures December 17, 1917. Fifteen States ratified this amendment within the year 1918, 30 States ratified it during the year 1919, and 1 State ratified it during the year 1922.

The nineteenth amendment, the woman's suffrage amendment, was submitted June 5, 1919. This amendment was ratified with greater haste than any other amendment with the exception of the thirteenth amendment. Twenty-two States ratified it during 1919, seven of which ratified the

amendment within less than one month after its submission. Fifteen States ratified it in 1920; one State in 1921.

Up to this time the Congress has deemed the mode of ratification by State conventions as impractical. There is no question but what the submission of constitutional amendments to State conventions would come nearer getting a real expression of the people's will. Section 6 in the proposed amendment is an important step in the right direction and will give the people a chance to consider what is being submitted and to instruct their legislators before the legislatures act.

In my speech on March 9, 1928, in support of an amendment which was identical to section 6, I said:

> Congress must determine the mode of ratification, and in that determination is limited to one of two modes prescribed in Article V of the Constitution. As an incident to its power to designate the mode of ratification, Congress may prescribe that if a proposed constitutional amendment is not ratified within seven years after the date of submission it shall be inoperative.
>
> In order to assure the assent of the people of the United States, "the original fountain of power," to a proposed constitutional amendment and to prevent hasty, ill-considered, and at times hysterical action on the part of the State legislatures, why is not the delay imposed in the second clause "a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification" in order to make more certain legislatures that "would voice the will of the people" and give "a decisive expression of the people's will"?
>
> This second clause under consideration in no way violates any provision of Article V of the Constitution. It is sound and sensible. It is conducive to an orderly consideration of the constitutional amendment submitted by Congress to the States. It is a reasonable limitation or regulation to give the people of the States an opportunity to become advised in what way it is proposed to change their fundamental law. It brings the proposed constitutional amendment before the people for discussion and consideration and gives a reasonable time in which the legislatures can learn that "decisive expression of the people's will." It simply tends to make more certain that the legislatures of the several States shall "voice the will of the people" and "that all amendments must have the sanction of the people of the United States, the original fountain of power."
>
> The difference between the two clauses is: The first clause inhibits action on the part of the legislatures after a designated time, and the second clause inhibits action on the part of the legislatures before a designated time. The object of the first clause is to prohibit action on the part of legislatures after the proposal has gone out of the people's minds, while the object of the second clause is to prohibit action on the part of legislatures before the proposal has entered the people's minds.

We all know that there has been a great deal of criticism recently charging that the eighteenth amendment was put into the Constitution before the people had full opportunity to instruct their legislators how to vote on that amendment. This provision of section 6 brings Constitution amending back closer to the people.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. O'CONNOR of New York. It brings it back closer to the people; but if the gentleman is opposed to conventions, why does the gentleman not go farther and say both bodies of the legislature?

Mr. RAMSEYER. I am not opposed to conventions. Heretofore Congress has deemed the mode of ratification by submitting amendments to State conventions as impractical and expensive. Congress now is not in a mood to submit the pending amendment to State conventions. Therefore, I am insisting that section 6 be retained in this resolution so as to give the people an opportunity to instruct their legislators.

Furthermore, at this time I do not know of a State in the Union that has the machinery for calling State conventions for this purpose. The legislatures of the States would have to provide for State conventions by enabling acts and it might be that in some States it would require a constitutional amendment.

Mr. O'CONNOR of New York. The gentleman did not understand my question. I said if you would not go so far as to designate conventions—and I believe State laws could provide for them—that if you would not go that far, why do you not have both bodies of your legislatures elected after the submission, because one body could block the action of the other body.

Mr. RAMSEYER. There is force to the gentlemans' statement, but the idea of section 6 is to get the proposed amendment before the people at least for one campaign in each State for the election of legislators before the legislature acts.

Mr. O'CONNOR of New York. That is only partly before the people.

Mr. RAMSEYER. That is true. Better have it partly before the people for that length of time than not at all.

I will now give you a brief statement on the submission of each of the amendments by Congress since the Civil War and the dates that the legislatures of the several States acted thereon. In my view, this furnishes proof positive of the importance of section 6 and especially for the necessity of the second provision of section 6.

The thirteenth amendment was submitted to the legislatures of the several States, there being then 36 States, by a resolution of Congress passed on the 1st of February, 1865, at the second session of the Thirty-eighth Congress, and was ratified, according to a proclamation of the Secretary of State dated December 18, 1865, by the legislatures of the following States:

Illinois, February 1, 1865.
Rhode Island, February 2, 1865.
Michigan, February 2, 1865.
Maryland, February 3, 1865.
New York, February 3, 1865.
West Virginia, February 3, 1865.
Maine, February 7, 1865.
Kansas, February 7, 1865.
Massachusetts, February 8, 1865.
Pennsylvania, February 8, 1865.
Virginia, February 9, 1865.
Ohio, February 10, 1865.
Missouri, February 10, 1865.
Indiana, February 16, 1865.
Nevada, February 16, 1865.
Louisiana, February 17, 1865.
Minnesota, February 23, 1865.
Wisconsin, March 1, 1865.
Vermont, March 9, 1865.
Tennessee, April 7, 1865.
Arkansas, April 20, 1865.
Connecticut, May 5, 1865.
New Hampshire, July 1, 1865.
South Carolina, November 13, 1865.
Alabama, December 2, 1865.
North Carolina, December 4, 1865.
Georgia, December 9, 1865.

The following States ratified this amendment, subsequent to the date of the proclamation of the Secretary of State, as follows:

Oregon, December 11, 1865.
California, December 20, 1865.
Florida, December 28, 1865.
New Jersey, January 23, 1866.
Iowa, January 24, 1866.
Texas, February 18, 1870.

The fourteenth amendment was submitted to the legislatures of the several States, there being then 37 States, by a resolution of Congress passed on the 16th of June, 1866, at the first session of the Thirty-ninth Congress, and was ratified, according to a proclamation of the Secretary of State dated July 28, 1868, by the legislatures of the following States:

Connecticut, June 30, 1866.
New Hampshire, July 7, 1866.
Tennessee, July 19, 1866.
New Jersey, September 11, 1866.[1]
Oregon, September 19, 1866.[2]
Vermont, November 9, 1866.

[1] New Jersey withdrew her consent to the ratification in April, 1868.

[2] Oregon withdrew her consent to the ratification October 15, 1868.

New York, January 10, 1867.
Ohio, January 11, 1867.[3]
Illinois, January 15, 1867.
West Virginia, January 16, 1867.
Kansas, January 18, 1867.
Maine, January 19, 1867.
Nevada, January 22, 1867.
Missouri, January 26, 1867.
Indiana, January 29, 1867.
Minnesota, February 1, 1867.
Rhode Island, February 7, 1867.
Wisconsin, February 13, 1867.
Pennsylvania, February 13, 1867.
Michigan, February 15, 1867.
Massachusetts, March 20, 1867.
Nebraska, June 15, 1867.
Iowa, April 3, 1868.
Arkansas, April 6, 1868.
Florida, June 9, 1868.
North Carolina, July 4, 1868.[4]
Louisiana, July 9, 1868.
South Carolina, July 9, 1868.[4]
Alabama, July 13, 1868.
Georgia, July 21, 1868.[4]

The State of Virginia ratified this amendment on the 8th of October, 1869, subsequent to the date of the proclamation of the Secretary of State.[4]

The States of Delaware, Maryland, Kentucky, and Texas rejected this amendment.

The fifteenth amendment was submitted to the legislatures of the several States, there being then 37 States, by a resolution of Congress passed on the 27th of February, 1869, at the first session of the Forty-first Congress, and was ratified according to a proclamation of the Secretary of State dated March 30, 1870, by the legislatures of the following States:

Nevada, March 1, 1869.
West Virginia, March 3, 1869.
North Carolina, March 5, 1869.
Louisiana, March 5, 1869.
Illinois, March 5, 1869.
Michigan, March 8, 1869.
Wisconsin, March 9, 1869.
Massachusetts, March 12, 1869.
Maine, March 12, 1869.
South Carolina, March 16, 1869.
Pennsylvania, March 26, 1869.
Arkansas, March 30, 1869.
New York, April 14, 1869.[5]
Indiana, May 14, 1869.
Connecticut, May 19, 1869.
Florida, June 15, 1869.
New Hampshire, July 7, 1869.
Virginia, October 8, 1869.
Vermont, October 21, 1869.
Alabama, November 24, 1869.
Missouri, January 10, 1870.
Mississippi, January 17, 1870.
Rhode Island, January 18, 1870.
Kansas, January 19, 1870.
Ohio, January 27, 1870.[6]
Georgia, February 2, 1870.
Iowa, February 3, 1870.
Nebraska, February 17, 1870.
Texas, February 18, 1870.
Minnesota, February 19, 1870.

The State of New Jersey ratified this amendment on the 21st of February, 1871, subsequent to the date of the proclamation of the Secretary of State.[7]

The States of California, Delaware, Kentucky, Maryland, Oregon, and Tennessee rejected this amendment.

The sixteenth amendment was submitted to the legislatures of the several States, there being then 48 States, by a resolution of Congress passed on July 12, 1909, at the first session of the Sixty-first Congress, and was ratified according to a proclamation of the Secretary of State dated February 25, 1913, by the legislatures of the following States:

Alabama, August 17, 1909.
Kentucky, February 8, 1910.
South Carolina, February 23, 1910.
Illinois, March 1, 1910.
Mississippi, March 11, 1910.
Oklahoma, March 14, 1910.
Maryland, April 8, 1910.
Georgia, August 3, 1910.
Texas, August 17, 1910.
Ohio, January 19, 1911.
Idaho, January 20, 1911.
Oregon, January 23, 1911.
Washington, January 26, 1911.
California, January 31, 1911.
Montana, January 31, 1911.
Indiana, February 6, 1911.
Nevada, February 8, 1911.
Nebraska, February 11, 1911.
North Carolina, February 11, 1911.
Colorado, February 20, 1911.
North Dakota, February 21, 1911.
Michigan, February 23, 1911.
Iowa, February 27, 1911.
Kansas, March 6, 1911.
Missouri, March 16, 1911.
Maine, March 31, 1911.
Tennessee, April 11, 1911.
Arkansas, April 22, 1911.
Wisconsin, May 26, 1911.
New York, July 12, 1911.
South Dakota, February 3, 1912.
Arizona, April 9, 1912.
Minnesota, June 12, 1912.
Louisiana, July 1, 1912.
Delaware, February 3, 1913.
Wyoming, February 3, 1913.
New Jersey, February 5, 1913.
New Mexico, February 5, 1913.

The States of Connecticut, Rhode Island, and Utah rejected this amendment.

The following States ratified this amendment subsequent to the date of the proclamation of the Secretary of State, as follows: Vermont, Massachusetts, New Hampshire, and West Virginia.

The seventeenth amendment was submitted to the legislatures of the several States (there being then 48 States) by a resolution of Congress passed on the 16th day of May, 1912, at the second session of the Sixty-second Congress, and was ratified, according to a proclamation of the Secretary of State dated May 31, 1913, by the legislatures of the following States:

Massachusetts, May 22, 1912.
Arizona, June 3, 1912.
Minnesota, June 10, 1912.
New York, January 15, 1913.
Kansas, January 17, 1913.
Oregon, January 23, 1913.
North Carolina, January 25, 1913.
California, January 28, 1913.
Michigan, January 28, 1913.
Idaho, January 31, 1913.
West Virginia, February 4, 1913.
Nebraska, February 5, 1913.
Iowa, February 6, 1913.
Montana, February 7, 1913.
Texas, February 7, 1913.
Washington, February 7, 1913.

[3] Ohio withdrew her consent to the ratification in January, 1868.
[4] North Carolina, South Carolina, Georgia, and Virginia had heretofore rejected the amendment.
[5] New York withdrew her consent to the ratification Jan. 5, 1870.
[6] Ohio had heretofore rejected the amendment May 4, 1869.
[7] New Jersey had heretofore rejected the amendment.

Wyoming, February 11, 1913.
Colorado, February 13, 1913.
Illinois, February 13, 1913.
North Dakota, February 18, 1913.
Nevada, February 19, 1913.
Vermont, February 19, 1913.
Maine, February 20, 1913.
New Hampshire, February 21, 1913.
Oklahoma, February 24, 1913.
Ohio, February 25, 1913.
South Dakota, February 27, 1913.
Indiana, March 6, 1913.
Missouri, March 7, 1913.
New Mexico, March 15, 1913.
New Jersey, March 18, 1913.
Tennessee, April 1, 1913.
Arkansas, April 14, 1913.
Connecticut, April 15, 1913.
Pennsylvania, April 15, 1913.
Wisconsin, May 9, 1913.

The eighteenth amendment was submitted to the legislatures of the several States—there being 48 States—by a resolution of Congress passed on the 17th day of December, 1917, at the second session of the Sixty-fifth Congress, and was ratified, according to a proclamation of the Acting Secretary of State dated January 29, 1919, by the legislatures of the following States: [8]

Virginia, January 11, 1918.
Kentucky, January 16, 1918.
North Dakota, January 28, 1918.
South Carolina, February 12, 1918.
Maryland, March 12, 1918.
South Dakota, March 22, 1918.
Texas, March 4, 1918.
Montana, February 20, 1918.
Delaware, March 26, 1918.
Massachusetts, April 2, 1918.
Arizona, May 23, 1918.
Georgia, July 2, 1918.
Louisiana, August 9, 1918.
Michigan, January 2, 1919.
West Virginia, January 9, 1919.
Maine, January 8, 1919.
Mississippi, January 8, 1918.
Florida, December 3, 1918.
Oklahoma, January 7, 1919.
Washington, January 13, 1919.
New Hampshire, January 15, 1919.
Nebraska, January 16, 1919.
Minnesota, January 17, 1919.
Indiana, January 14, 1919.
California, January 13, 1919.
Colorado, January 15, 1919.
Alabama, January 15, 1919.
Oregon, January 15, 1919.
Ohio, January 7, 1919.
Illinois, January 14, 1919.
Wyoming, January 17, 1919.
Idaho, January 8, 1919.
Wisconsin, January 17, 1919.
North Carolina, January 16, 1919.
Utah, January 16, 1919.
Kansas, January 14, 1919.
New Mexico, January 22, 1919.
Tennessee, January 14, 1919.
Iowa, January 27, 1919.
Vermont, January 29, 1919.
Missouri, January 17, 1919.
Nevada, January 27, 1919.
Pennsylvania, February 26, 1919.
New York, January 29, 1919.
Arkansas, January 14, 1919.
New Jersey, 1922.

[8] But see Dillion *v.* Gloss (256 U. S. 368), in which the court said that this amendment became part of the Constitution on January 16, 1919, when ratification by the States was consummated, not on date when ratification was proclaimed by the State Department.

This amendment was ratified by the legislatures of all the States except Connecticut and Rhode Island.

The nineteenth amendment was submitted to the legislatures of the several States—there being 48 States—by a resolution of Congress passed on 5th day of June, 1919, at the first session of the Sixty-sixth Congress, and was ratified, according to a proclamation of the Secretary of State dated August 26, 1920, by the legislatures of the following States:

Wisconsin, June 11, 1919.
Illinois, June 10, 1919.
Michigan, June 10, 1919.
Ohio, June 16, 1919.
Massachusetts, June 25, 1919.
Iowa, July 2, 1919.
Missouri, July 3, 1919.
Nebraska, August 2, 1919.
Montana, August 2, 1919.
Minnesota, September 8, 1919.
New Hampshire, September 10, 1919.
Utah, October 2, 1919.
California, November 1, 1919.
Maine, November 5, 1919.
Pennsylvania, June 27, 1919.
Kansas, June 16, 1919.
Arkansas, July 28, 1919.
Texas, June 28, 1919.
New York, June 16, 1919.
South Dakota, December 4, 1919.
North Dakota, December 5, 1919.
Colorado, December 15, 1919.
Rhode Island, January 6, 1920.
Indiana, January 16, 1920.
Kentucky, January 19, 1920.
Oregon, January 13, 1920.
Wyoming, January 27, 1920.
Nevada, February 7, 1920.
Arizona, February 12, 1920.
New Jersey, February 17, 1920.
Oklahoma, February 28, 1920.
West Virginia, March 13, 1920.
New Mexico, February 21, 1920.
Idaho, February 11, 1920.
Washington, March 22, 1920.
Tennessee, August 24, 1920.
Connecticut, September 14, 1920.
Vermont, February 8, 1921.
Rejected by Alabama September 17, 1919.
Rejected by Virginia February 12, 1920.
Rejected by Maryland March 26, 1920.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. MICHENER. Mr. Speaker, I yield the balance of my time to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. First, I wish to corroborate what the gentleman from Michigan [Mr. MICHENER] said in opening, that there had been no opposition whatsoever to bringing this matter before the House for its consideration. So far as I know, this has been unanimous. Therefore I am not opposed to the rule, and am not opposed to having it considered to-day, although I am still opposed to the submission of the resolution itself.

I think that no one has characterized the proposed amendment more clearly than the brilliant columnist of the Washington Post—he has since transferred to another paper—George Rothwell Brown, about three years ago, when we were considering a similar Senate resolution, the Norris resolution, as it was at that time. He characterized it as a quack remedy for a disease of the Constitution which it does not have. [Applause.] I think this about as clearly describes this resolution as anything possibly could. It proposes to cure a disease in the Constitution which it does not have.

I think I can show—and I shall try to do so a little later on in the general debate, if I can get the time—that this resolution is absolutely unnecessary to do the very thing it

is apparently desired to do. The general desire seems to be that hereafter there shall be no session of the Congress after a new Congress has been elected. This seems to be the one thing upon which all the newspapers of the country are agreed. Most of the editorial comment comes right down to this one point: They do not wish to have another session of the Congress after there has been an election. Of course, there is something to be said in favor of such a session, to which I may have an opportunity to refer later on.

If a gentleman living in Oregon, for instance, should be defeated at the election he would have to come back here at his own expense to prepare his office for turning over to another and to pick up his traps to go home. There would be a certain degree of unfairness in this, to be sure, but I shall not dwell on that feature of it. Let us suppose this is the thing we wish to accomplish, that we may have no more "lame-duck" sessions, although that term, to my mind, is very unjustly one of opprobrium.

The Constitution now provides that Congress shall meet on the first Monday in December, unless it shall otherwise order. In some 20 cases or more Congress has ordered a different day upon which to meet. I wish to call your attention at this time to the fact that in January, 1867, when the passions of the Civil War were still fierce, and when there was at least a pretended unwillingness to trust the President to administer the affairs of government, Congress passed a statute on January 22, 1867, providing that thereafter each succeeding Congress should meet on the 4th day of March. It lasted less than six years, and three Congresses met under that statute; but then, after the bitterness of those days had passed away, it was found that it was not best to have Congress meet so soon. Therefore, in April, 1871, after having met on March 4, Congress itself repealed the law, and never since has Congress legislated upon the subject. Since that time the President has on many occasions called Congress together in an earlier session, which he can do at any time that he deems the public interests demand. If he would call Congress together on the 4th of March, this would be only 60 days later than this resolution provides for and only 40 days after the President would be inaugurated under this plan; that is, he would be inaugurated on the 24th of January under the proposed plan instead of March 4.

Mr. MICHENER. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. MICHENER. Does the gentleman think that it is in keeping with our system of government that in case the President dies, as provided for in sections 3 and 4 of the bill, that the new President should be elected by the old Congress or by the Congress elected at the same election and on the same issues on which the President was elected?

Mr. TILSON. This is a feature that is not much dwelt upon, but let me call the gentleman's attention to the danger that will arise in this connection, and I think it is a far more serious danger than to have the old Congress elect a President: Suppose Congress were teetering as to which side is to control the organization. Congress must organize in order to canvass the votes under the Constitution. If a presidential election depended upon it, can you not see the danger that might arise? Congress has failed to organize for weeks and weeks heretofore when there was nothing depending upon it. I am sure that the Speaker of the House has been elected as late as February before the House could organize.

Mr. TUCKER. Banks was.

Mr. TILSON. Speaker Banks was elected in February.

Suppose it devolved upon the new Congress to meet and canvass the vote and it was close. The danger of a failure to organize would be great.

In 1876 Congress was organized and so a way was finally found to get out of the difficulty, and all because Congress was actually organized and in session so that it could do something. If Congress had not been in existence, if by constitutional limitation there had been no provision for meeting again with a newly elected but unorganized Congress in existence, where would we have landed in 1876?

There is serious danger in making it necessary to have Congress meet immediately. The President must be inaugurated within 20 days after the Congress meets if this resolution be ratified. There is serious danger in this provision.

Let me cite an example in my own State. It happens that in my State it was provided that the governor hold office until his successor is elected and has qualified. There was a contest over the election, and one branch of the legislature was Democratic and one Republican. It was required by our constitution that the legislature meet and organize. They would not organize and could not count the votes. It happened that there was a very stalwart man in the office of governor already, and although one of the candidates who claimed he was elected tried to take the office, this sturdy gentleman, who later became a Senator of the United States, held on; but there was no legislature to appropriate money. For two years we had no legislature, no appropriations. It happened that the old governor was a man of large means and connected with a large insurance company. He paid out of his own pocket for two whole years the entire expenses of the State; but I know of no man in the United States now who could pay out of his own pocket for four years the running expenses of this Government, especially at the rate we are going now.

Mr. MONTAGUE. No man should do it.

Mr TILSON And, meanwhile, who would be President? I tell you, my friends, there is more to this proposition than you may think. I hope that we may not be rushed headlong into amending the Constitution. It is a serious matter. Our experience along this line has not been very good or altogether satisfactory [applause], and I look forward with a great deal of apprehension upon further tinkering with the Constitution. What amendment next after this one?

We do not need this proposed amendment. We can do the thing you have in mind without it, and we have got along for over a hundred and forty years without it.

It is said that other nations do not follow our plan. Well, have other nations gotten along any better than we have? Have they done so much better in the other government of the world than we have? Besides, there is no analogy at all. The governments of other nations are entirely different. Where, under a parliamentary form of government, the parliament is also the executive, of course it is necessary that they shall meet at once so that the executive work may go on; but here our departments of government are separated into three distinct branches of government, so that it is not analogous at all.

There is no danger that the country will ever suffer from the fact that a newly elected Congress is not able to appear upon the scene and begin at once attempting to enact into legislation all the various preelection promises the candidates may have made.

Mr. CELLER. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. CELLER. The gentleman recognizes that the term of the first President, the first Vice President, the first Members of the House, and the first Members of the Senate started on the first Wednesday in March following the act of September 13, 1788, so that the term of the first Members of Congress was fixed by the first Wednesday in March, which happened to be the 4th of March.

Mr. TILSON. Yes; the date was accidental.

Mr. CELLER. And the Constitution provides that the Members of the House shall be elected for two years.

Mr. TILSON. Yes.

Mr. CELLER. So if the Congress wished to change the date of the convening of Congress or the commencing of the term, you would have to do that by an amendment of the Constitution, because you would be lengthening or shortening the term.

Mr. TILSON. I believe it is claimed that this proposal would effect all this, but I do not wish to take the risk. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CLAIMS OF THE CHIPPEWA INDIANS OF MINNESOTA (H. DOC. NO. 780)

The SPEAKER laid before the House the following message from the President, which was read and ordered spread upon the Journal:

To the House of Representatives:

I return herewith without my approval H. R. 13584, an act to amend an act approved May 14, 1926 (44 Stat. 555), entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims."

The act of May 14, 1926, authorized the Chippewa Indians of Minnesota to submit to the United States Court of Claims for adjudication any legal and equitable claims which they may have against the United States arising under or growing out of the act of January 14, 1889, or any subsequent act of Congress, in relation to the affairs of these Indians.

This bill would amend that act of May 14, 1926, by adding to section 1 the following language:

> In any such suit or suits the plaintiff, the Chippewa Indians of Minnesota, shall be considered as including and representing all those entitled to share in either the interest or in the final distribution of the permanent fund provided for by section 7 of the act of January 14, 1889 (25 Stat. L. 642), and the agreements entered into thereunder. That nothing herein shall be construed to affect the powers of the Secretary of the Interior to determine the roll of the Chippewa Indians of Minnesota for the purpose of making the final distribution of the permanent Chippewa fund. This act shall apply to any and all suit or suits brought under said act of May 14, 1926, whether now pending or hereafter commenced.

A number of suits have been filed by these Indians and are now pending in the Court of Claims.

The act of January 14, 1889, was entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota." These Indians were tribal Indians under the guardianship of the United States living upon their reservations as tribal lands comprising approximately 4,700,000 acres. Pursuant to that act of 1889, these tribal lands, except portions thereof needed for allotments to these Indians, were ceded to the United States to be sold and the net proceeds thereof to be held in the United States Treasury for 50 years, to bear interest at the rate of 5 per cent to be expended for the benefit of the Indians. Three-fourths of the interest was to be paid annually to the Indians in equal shares per capita and one-fourth to be devoted to the establishment and maintenance of free schools for these Indians, and the act further provided that at the expiration of said 50 years the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares.

Many of these Indians since 1889 have severed all of their tribal relations and are scattered in various sections of the country, but the Chippewa Tribe still exists in the White Earth and Red Lake Reservations under the guardianship of the United States, which is continuing to maintain free schools for their civilization.

Quite a number of these Indians who had severed their tribal relations continued to receive their distributive share of the interest fund until 1927, when the Solicitor of the Interior Department held that the fund established from the sale of these lands was a tribal fund administered by the United States for the benefit of the tribe which had not been dissolved but was recognized by Congress, and that therefore the right to share in the interest annuities depended upon existing tribal membership. Accordingly, such Indians who had severed their tribal relations were stricken from the roll by the Secretary of the Interior and no longer entitled to participation in the interest annuities.

Several of these Indians, in the case of Wilbur against The United States, petitioned for a writ of mandamus commanding the Secretary of the Interior to restore them to the rolls of the Chippewa Indians and to pay to each of them their per capita share of these interest annuities and of all future distributions of interest and principal from the fund created under the act of 1889. The Supreme Court of the United States denied this writ of mandamus, holding that the Secretary of the Interior had administrative jurisdiction to make such a decision, which was not contrary to the provisions of the act of 1889, whose purpose was to accomplish a gradual rather than an immediate transition from the tribal relation and independent wardship to full emancipation and individual responsibility. The Supreme Court also said in this case, which was decided in April, 1930, that the time fixed for the final distribution of the fund is as yet so remote that no one is now in a position to ask special relief or direction respecting that distribution.

It thus appears that it is unnecessary to amend the act of May 14, 1926, to bring in as parties plaintiff those Indians who have severed their tribal relations, as their claim for a distributive share of this interest fund has been adjudicated by the decision of the Supreme Court in the above case, Wilbur against The United States, known as the Kadrie case.

Neither is it necessary to amend the act of May 14, 1926, for the purpose of compelling restoration by the United States to the interest fund of amounts that may have been heretofore erroneously distributed to Indians who had severed their tribal relations. Obviously the plaintiffs in such an action would be only those who had not severed their tribal relations and were still entitled to their distributive share of this interest fund.

The Supreme Court of the United States has said that the Secretary of the Interior had administrative jurisdiction to determine the rights of these Indians to that interest fund and that his decision was not contrary to the provisions of the act of 1889. I am not in favor of legislation designed to have the courts again review that decision and assume such administrative jurisdiction.

HERBERT HOOVER.

THE WHITE HOUSE, *February 24, 1931.*

Mr. LEAVITT. Mr. Speaker, I move that the message and the accompanying papers be referred to the Committee on Indian Affairs and ordered printed.

The motion was agreed to.

THE VETO MESSAGE ON H. R. 13584

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent that I may have three days in which to extend my remarks in connection with the veto message on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, under leave given me I wish to comment briefly on the subject matter of H. R. 13584, and on the veto message returning the same.

Under the act of January 14, 1889, the Chippewa Indians of Minnesota ceded certain lands to the United States, which were to be sold and a trust fund established, for these Indians.

On May 14, 1926, an act was passed by Congress authorizing the Chippewa Indians of Minnesota to bring action in the Court of Claims against the United States in connection with this fund created by the act of 1889. Those suits are now pending.

At the beginning of this session of Congress my attention was directed to a defect in the jurisdictional act of 1926. It was pointed out by the attorneys representing the Indians, who were selected subject to the approval of the Indian Bureau, that the jurisdictional act of 1889 recognized certain Indians leading a tribal existence and other Indians who would be entitled to share in the distribution of the trust fund at the end of 50 years. In other words, it recognized two classes of Indians—those who had certain rights now in connection with the trust funds and those who would have rights to share in the distribution of the fund at the end of the 50-year period. Both classes are interested in the fund. Certain rights and interests in the pending litigation may involve one class, while the other class may be interested in other or additional rights and questions. It was pointed out to me that under the act of 1926 there was some question as to whether both classes or groups of Indians would have a standing in the Court of Claims. Further, there is a serious question whether all claims which might be made against the Government under the act of 1889 can be asserted in the pending lawsuits.

In other words, under the act of 1926 it may develop that only part of the Indians or groups interested in the funds

held under the act of 1889, may have a standing in court. It may be that only part of the claims can be presented to the court.

I introduced H. R. 13584 to remedy this defect in the act of 1926. The bill was amended by the committee, recommended favorably, and passed both the House and Senate. It was clearly understood by the Members of Congress that the amended bill was to perfect the jurisdictional act of 1926 so as to permit the claims of tribal Indians, and also the claims of the Indians who would share in the distribution of the trust fund at the end of 50 years to be presented and adjudicated by the Court of Claims. The amendment had no other purpose. It should have become a law, for as matters now stand it may develop that only part of the Indians are in court and that only part of the claims respecting the fund may be determined. There may be only half of the parties interested before the court and only half of the claims in dispute that can be settled. As long as the Chippewa Indians are involved in the expense of litigation it was distinctly to their interest to have all groups of Indians before the court and all claims and matters in dispute before the court. Such a position is sensible and not subject to any valid or meritorious objection.

It is to be regretted that the President and his advisers have been misled as to the purpose of the bill. They have not had the facts correctly presented to them. It is well to note that clerks from the Indian Bureau appeared before the committees in the House and viciously opposed the bill. They were treated fairly and had full opportunity to present all their facts and theories and misconceptions and bureaucratic ideas and ideals before Members of Congress. After they were fully heard the Committee on Indian Affairs redrafted the bill to meet their fancied objections. The committee then recommended the bill for passage. These were the circumstances under which it passed.

It is foolish for the clerks in the Indian Bureau who appeared before the committee and opposed the bill to talk about the question of enrollment and allotment. Neither of these questions are involved in this bill, although they are an issue in another bill I introduced at this session. The question of what constitutes a tribe, if there are tribes, the question of who has severed tribal relationships, if possible, the question of who is entitled to share in the distribution of the interest, or what particular persons will be entitled to the trust fund when the time comes to distribute it, the question of the effect of various court decisions, the question of the authority of the Secretary of the Interior to determine who should be enrolled, or who not enrolled—none of these matters are involved in H. R. 13584. Of course, two or three clerks in the Indian Bureau claimed they were involved, but the facts presented to the committee that heard testimony on the bill clearly disclosed that the clerks were wrong. But the clerks—they were not even convinced against their own ill-founded objections. It is evident that they have been more successful elsewhere than they were in Congress. It is unfortunate that bureaus should shape the policy of legislation.

I want it to be understood that the question of getting both groups of Indians and all of their claims before the Court of Claims is the only one involved in this bill. Its failure of passage may deprive the Indians of substantial rights, cause them needless expense, and can be charged up as just another instance of the mistaken policy of some clerks in the Indian Bureau who do not appear to be capable of having in mind the best interests of the Chippewa Indians of Minnesota.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 7639. An act to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928; and

H. R. 14255. An act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3929. An act for the relief of James J. Lindsay;

S. 6024. An act relating to the improvement of the Willamette River between Oregon City and Portland, Oreg.; and

S. Con. Res. 40. Concurrent resolution accepting the statues of Junipero Serra and Thomas Starr King, presented by the State of California, to be placed in Statuary Hall.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 1748. An act for the relief of the Lakeside Country Club;

S. 3060. An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes; and

S. 5649. An act for the relief of the State of Alabama.

A further message from the Senate announced that the Senate requests the House of Representatives to return to the Senate the bill (H. R. 7639) entitled, "An act to amend an act entitled 'An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct,' approved May 22, 1928."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10658) entitled, "An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. p. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26)" disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMOOT, Mr. WATSON, and Mr. HARRISON to be the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on February 23, 1931, the President approved and signed bills of the House of the following titles:

On February 23, 1931:

H. R. 10542. An act for the relief of John A. Arnold;

H. R. 14246. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 15256. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 16110. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 16415. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 16738. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1932, and for other purposes.

PROPOSED AMENDMENT OF THE CONSTITUTION

Mr. GIFFORD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 292, proposing an amendment to the Constitution of the United States.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House Joint Resolution 292, proposing an amendment to the Constitution of the United States.

Mr. GIFFORD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. GIFFORD. Mr. Chairman, the hour has arrived for action on this constitutional amendment. There is an undeniable necessity for it, and the country looks to us to act in this matter. If we wish to have the people increase their confidence in representative government, we should pass this resolution.

For 50 long years the subject has been agitated. Senator Lodge, from my own State, brought it up 30 years ago. Senator Cummins, of Iowa; Senator Shafroth, of Colorado; and many others interested themselves therein up to the year 1921, when Senator ASHURST put the subject matter in the form of a resolution which was referred to the Judiciary Committee of the Senate. If any one man should receive special credit for the measure, it would be Senator ASHURST.

It was learnedly discussed by the American Bar Association before that committee, and the hearings are available.

Then in 1922 another resolution, containing three brief sections, was introduced in the Senate and reported out by the Committee on Agriculture, without hearings. That resolution was the one first to be passed by the Senate and came to us for examination and legislative action. It merely provided that after its passage and ratification by the States the terms of the President, Vice President, Senators, and Representatives should begin on the first Monday in January. That is all. It did not say when the terms of those who were then holding office should end, and under its provisions we should have had two Presidents, two Vice Presidents, and a double set of Senators and Representatives. Section 2 would have made variable terms and had to be revised.

The inconsistencies of that resolution were so obvious that the House committee began to study the whole matter exhaustively and we have been considering it for eight years.

We found that the so-called lame-duck feature of the resolution was by no means the only thing deserving of consideration, but that there were also no less than 15 other very serious problems dealing with the succession to the Presidency requiring solution, which might properly be incorporated in the next constitutional amendment.

At one time, not so very long ago, we were disturbed by the thought of what might happen if a presidential election should be thrown into the House. I refer to the year in which Calvin Coolidge, John W. Davis, and Robert M. La Follette were the nominees for the Presidency. If Mr. Coolidge had died, after the election was held, we Republicans would have been forced to vote for one of the other two nominees; and if Mr. Davis had died, the Democrats would have had to take either Mr. Coolidge or Mr. La Follette. There is now no provision in the Constitution as to the successor to a President elect who may have died before taking the oath of office. Surely this is something which should be rectified, and I can not conceive of you gentlemen refusing to amend the Constitution to cure such a condition now that it has been forcibly brought to your attention.

If you feel that you can not favor sections 1 and 2 of the resolution, strike them out, but pass the balance of it, since the need therefor is serious and undeniable. This does not mean that I do not believe in the first two sections. I do; thoroughly. The present situation is one which should no longer be tolerated. Personally I should greatly dislike to come back to Congress and legislate as a "lame duck." I should feel much better about it to retire if I were defeated for reelection, and I believe that most of you would feel the same.

I wish that all of you might have heard, or that you would read, the remarks made by our late colleague, Mr. Burton, of Ohio, during the discussion on this subject three years ago. I wish that you would measure his exact language with the exact language used by the House leader this afternoon on the necessity for this resolution.

I claim that the necessity does exist. I appeal to your patriotism to "clean house" in this respect, for the public mind is now fully aroused to that necessity and demands the change.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. MOORE of Virginia. As I understand, sections 1 and 2 of the resolution the gentleman is advocating correspond exactly with the so-called Norris resolution which has passed the Senate. Is that correct?

Mr. GIFFORD. The last version of the Norris resolution is, in many respects, similar to ours.

Mr. MOORE of Virginia. Then, the Norris resolution is in the same language as sections 1 and 2 of the pending resolution?

Mr. GIFFORD. I would say that it does not conform exactly. The copy which I have here, dated April 17, 1930, still has as the date on which the President shall be inaugurated the 15th of January, and that on which the House shall convene the 2d of January, an interval of only 13 days. One of the objections which has been advanced to our amendment is that the longer period of 20 days will not be sufficient.

Attention has been called to a "teetering" House of Representatives that may not have been organized; perhaps some of the Members may have contests. We all fully understand that a temporary organization can be effected in the House to carry out any mandate of the Constitution, so far as the counting of the votes for President is concerned.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. CELLER. I am curious to know whether or not the gentleman's committee considered ratification by conventions, rather than by the legislatures of the various States?

Mr. GIFFORD. Yes; the committee did consider it. It was also discussed at length in this House in 1928, and it was found that no article of the Constitution had been ratified in that manner. I spent many weary hours reading the debates of the old Congresses, and when the twelfth amendment to the Constitution was being considered, the language in respect to the method of ratification in the fifth article of the Constitution was long debated. The two methods were then considered, and it was finally concluded that if a constitutional convention were called for the purpose of ratifying an amendment, such convention or conventions could propose and ratify such other amendments as they pleased, and no legislative mandate could prevent them from doing so. Hence, no constitutional convention has ever been called to ratify one of the amendments to the Constitution.

Mr. CELLER. I think the gentleman confuses the idea of presenting an amendment and the ratification of an amendment. I do not mean to imply that there should be a convention to suggest amendments. I mean purely and simply whether the gentleman's committee came to a conclusion that it would be preferable to have a ratification of this particular amendment by State legislatures rather than by State convention.

Mr. GIFFORD. Our committee is very desirous that the people shall have some way of considering this matter in the future, before their legislatures act upon it. We have supplied a method whereby one branch of the State legisla-

tures, at least, shall have been elected by the people prior to the ratification.

The language of Article V is as follows:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments.

But we can not bind any constitutional convention by a limitation fixed by this body.

Mr. CELLER. Oh, the gentleman confuses the question of proposing amendment with the ratification of amendments. I am not interested in a constitutional convention proposing amendment. If the gentleman will read further, he will find that there are two methods of ratification proposed and that they are separate and distinct and have nothing to do with presenting amendments at all. Amendments may be presented either by Congress or by a general convention.

Mr. GIFFORD. I have the language before me and am not at all confused regarding it.

Mr. CELLER. It is a duofold method; either may be chosen by Congress. I was curious to know whether the gentleman considered that problem.

Mr. GIFFORD. I wish to remind the House of the public document containing all the debates of three years ago. Those debates were of a high order, and many Members extended their remarks in the RECORD. That document has undoubtedly been carefully studied by those of you who are especially interested in this subject. I wish that all might have read it. To-day we have only four hours for general debate and are supposed to finish the bill to-day. You do not wish to hear historical dissertations. You will desire only practical answers to practical objections which may be advanced.

In the document to which I have referred you will find that our House leader placed in the RECORD, most fully and earnestly, his reasons for being against the amendment. He denied the necessity of action. You must determine that for yourselves. He further stated that while it might possibly prevent filibusters, a filibuster was not an evil. Few would dare to suggest to the public at large, in these days, that it is a good thing.

Mr. WARREN. Will the gentleman yield?

Mr. GIFFORD. There is one more phase of the question about which I wish to speak. Then I will yield. The argument has been advanced that everything suggested in this resolution can be done by legislative act. We know that such is not the case. We could not shorten the terms without a constitutional amendment. The so-called lame-duck Congress would count the votes for President and decide the election if it were thrown into the House.

We do not wish to come here on March 4 and labor during the hot months of summer—all of us realize that it is not practical to do this.

Nor can we take care of the sections providing for the succession of President and Vice President by legislation. We should not try to usurp extraordinary powers not expressly granted to us by the Constitution.

Mr. WARREN. Will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. WARREN. I happen to be one who voted against this resolution three years ago and I am still very much opposed to it in its present form. It has been stated that the Speaker will present an amendment for a limitation of the second session. What is the gentleman's attitude, as chairman of the committee, toward that amendment when it is presented?

Mr. GIFFORD. This committee three years ago reported a bill with such a limitation. Because we were defeated on the floor at that time, we reported the present resolution without such limitation. Personally I very much desire the limitation. [Applause.] I feel that I should say that my belief is that if we will agree to this limitation at this time the resolution will pass. If we vote down that limitation, I rather fear that we may not have the necessary two-thirds. Why not adopt a spirit of compromise here to-day? [Applause.]

The CHAIRMAN. The gentleman has consumed 15 minutes.

Mr. GIFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, I dislike to oppose my friend, for though there may be a present difference of opinion in the Massachusetts delegation is no indication that we are not ordinarily a unit on matters of legislation.

I do not propose to discuss in detail the features of this bill, but discuss it more or less as a general proposition. I particularly desire the attention of my good Virginia colleague, Mr. ST. GEORGE TUCKER, who is usually a steady, firm, and steadfast defender of the Constitution. He can be of great service in this instance if he will only put himself to it.

A statesman has been defined as "a dead politician." What is the definition of a lame duck? I would say a good definition is "a defeated statesman," particularly recently, for those who have been defeated for office in recent years were more entitled to the designation of "statesmen," as a rule, than those who succeeded them. It is a splendid plan to have a lame-duck session and have in that session the advice and counsel of those who have served over a period of years, and whose experience and well-known ability often will save Congress from taking action contrary to that which would have been taken by those who were elected to succeed them. I challenge anyone on the floor of the House to mention one single piece of legislation which was to the detriment or injury of the Nation as a whole that has been passed in a lame-duck session. [Applause.] I challenge anyone on the floor or elsewhere to present one single scintilla of evidence that a lame-duck session ever refused to pass vital legislation that was for the good of the Nation.

Now, let us analyze this lame-duck proposition before we go more particularly into the merits of the bill. A lame duck, a defeated statesman? I will prove it. William H. Taft was a lame duck, but he subsequently became Chief Justice of the Supreme Court. Charles Evans Hughes, our present Chief Justice, was a lame duck. John W. Weeks had no superior as Secretary of War, yet he was a lame duck.

In our own circle of friends and acquaintances Jimmy Byrnes, one of the most genial and delightful gentlemen it was ever my privilege to know, and with it all, a man of extreme ability, was a lame duck only four years ago, and to-day he stands ready to take his position in the Senate of the United States. He displaces another man, COLE. BLEASE. Is COLE. BLEASE any less capable of transacting the business of the Senate to-day, because he happens to have been defeated at the last election, than he would be had he been successful? Not one bit more or less.

Take the instance of Finis Garrett. Had I been one of his constituents I would have appreciated his service here, and I think his constituents made a grave error not to retain his services to the Nation. He was defeated. He was a lame duck, but a Republican President found his services were of such great value that he placed him on the bench, and he serves there with distinction as he did here.

So I might go through the list of many who have served with us in the past, but I want to bring to your attention two or three who have served in this so-called lame-duck session. I know of no man who has done more to further the interests of the Nation in recent years than LOUIS CRAMTON. [Applause.] His services have been invaluable, not only in the House but to the Nation as a whole. This lame-duck session has given him an opportunity to gather up the loose ends, to put across many of the measures which have been proposed from year to year, to finish up his work and to prepare the place for his successor. I would also call to your attention DICK ELLIOTT. DICK ELLIOTT is more conversant with the great building program that has been provided for, at an expense of hundreds of millions of dollars, than any other man in the Congress. [Applause.] There is no man in the House who could have taken up his work at the close of the last session and have completed the work which he had already started, and surely no one who might succeed him would have had the information

and the knowledge of the subject he had in order to carry out this great program. JOHN BOX has been one of the most valuable men in the House. JOHN BOX served with me for eight years on the Committee on Claims.

There is no man who has displayed more courage, more good judgment, and more self-sacrifice than JOHN BOX has on the Committee on Claims. [Applause.] The House will sorely miss his services. Let me call your attention to one of our former colleagues for whom I have the highest regard, a man whom I believe every man on this side of the House will say was not a partisan but was a patriot, and that is Gene Black, of Texas. I can not see what came over the voters in Texas when they decided to deprive the Nation, to say nothing of themselves, of the services of so outstanding a statesman as Gene Black. And do you think that in the lame-duck session in which he served his integrity, his honesty, his ability, and his many superior qualifications were lessened because an unappreciative constituency refused to send him back?

After all, what is a lame duck? He is the victim of circumtances. He is a victim of mob psychology. He is the victim of an undefined something. He has served his people and served his Nation for years without any criticism, or little criticism, except by the opposing party. He comes up for election and because of one vote, which in all probability was the bravest and the best he ever cast, he is defeated by an organized minority. Does that make him any less capable of performing the duties of his office, because he happened to meet with the disapproval of a certain organized minority, because a constituency was unappreciative or indifferent, or because his supporters were overconfident?

Those, however, are arguments which are only incidental to the question. To my mind, the Constitution, next to the Bible, is the most sacred document that was ever written. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SLOAN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. UNDERHILL. Who were the fathers of the Constitution? Washington, Madison, Randolph, Hamilton, Ben Franklin, John Rutledge, the Morrises, the two Pinckneys, and other great men of their day. They were the men who helped to write the Constitution. John Marshall, Patrick Henry, and Jefferson did more, perhaps, to secure its adoption by the States after it was passed by the convention than any other men. Were these men patriots? Were they men of vision? Did they look ahead to the present time and see the evils which were likely to confront us now? I believe they did. I do not believe that you can to-day improve upon their copyright of yesterday. I do not want to leave the leadership of these men. I do not want to discredit their ideas and ideals and follow the new Messiah from Nebraska. [Applause.] If his gospel of government is sound, if his conceptions correct, then George Washington was a piker, Jefferson was a bum, Madison and Patrick Henry were morons, Jefferson and John Marshall were socialists, Ben Franklin was senile, and John Rutledge and Charles Pinckney were ward heelers.

Mr. SLOAN. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. SLOAN. I would like to ask the gentleman to reduce his emphasis as much as he can consistently with making his great speech, as the Senator he referred to happens to be a Senator from Nebraska.

Mr. UNDERHILL. I care not whether he comes from Nebraska or from any other State in the Union. I do not believe there is a Member of the Senate to-day who can compare with any of the men who wrote the Constitution. I do not believe their political vision, their experience, their self-sacrifice, or lack of self-interest is equal to or anywhere near approaches that of the men who wrote this sacred document. I do not think we are wise in departing from the tenets of our fathers. Will any one of you men on the floor of the House tell me which amendment has brought to this country greater peace or prosperity?

Mr. STOBBS. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. STOBBS. How about the first 10 amendments to the Constitution, the bill of rights, which was not included as a part of the Constitution?

Mr. UNDERHILL. The bill of rights was written by Thomas Jefferson and it was really a part of the Constitution. The Constitution was not ratified by the States until the bill of rights had been attached.

Mr. SEARS. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. SEARS. What particular part of the Constitution did Patrick Henry have to do with?

Mr. UNDERHILL. Well, as the proceedings with reference to the Constitution were absolutely secret and even George Washington himself never wrote a word in his diary as to what transpired at the Constitutional Convention, I can not tell what part Patrick Henry had in the writing of the Constitution, but he was one of the delegates and afterwards he was one of the leading spirits in Virginia to influence that State to adopt the Constitution.

Mr. SEARS. From a hazy recollection I think the membership in that convention was about the same as that of Senator NORRIS, of Nebraska, and, further than that, I think the gentleman will find, if he will look at the record, that Patrick Henry opposed the Constitution and said he would just as soon live under the Czar of Russia as under such a Constitution as that was.

Mr. UNDERHILL. He did—until the bill of rights was attached, and after that he gave it his support.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. GLOVER].

Mr. GLOVER. Mr. Chairman and gentlemen of the committee, I have the honor as a new Member to be a member of the committee that has drafted this resolution. For the past 15 years or more we have had a demand from the public for the change that is proposed in this constitutional amendment. I agree very heartily with the expression of a number of the Members who have spoken this morning, that we should not tamper with the Constitution unless there is necessity for a change. I do not agree with some who believe that the Constitution should not be amended at all; that it is an absolutely perfect document that should never be amended. Some of the most important parts of the Constitution have been added to it by way of amendment.

There is a demand now for a change in the Constitution, and it is provided for by this resolution. There is considerable difference between the resolution as it is drawn here and the one referred to a moment ago from another branch of this body. I think this is a much better resolution.

We had some criticism here on the floor of the House with reference to our good Speaker having held the resolution on the table for a time. An explanation of that is that for many months we did not have a committee organization to receive the proposed amendment for consideration, but we did have that proposed amendment before us when this matter was considered and when this resolution was reported out, and it received due and proper consideration.

Much has been said about the "lame-duck" amendment. I am sorry that this ever crept into the argument of this question. That is not the cause of this resolution. I refute any imputation that has been charged to those who are going out of office here that they are not faithful or that they are lame ducks. Some of the most efficient men we have had in this Congress are going out, men who by force of circumstances were defeated, but who have been just as faithful as any Member of this body up to this good hour. For example, take my good friend, who is a member of this committee, the gentleman from Nebraska, Judge SLOAN, a man who has been faithful and a man whose judgment and judicial mind and soul have been put into a study of this question. He has been as faithful as myself or any other man who was newly elected to the Congress. This is true of our good friend from Texas, Judge Box, and many others that we could mention, who are men of like character.

This proposed amendment does away with the short session as it is now, and I want to say that I am not one who wants to criticize and say that the short sessions have not been, as the gentleman suggested a moment ago, fruitful of good legislation. If you consider this short session, the accomplishments of the short session will favorably compare with the long session we have had. We have had much good legislation. We have had our appropriation bills, we have had Muscle Shoals, we have had the soldiers' bonus, and we have had many bills of much importance that have been considered and passed by this body.

However, that is not the real question. That is not the thing that this resolution is driving at exactly. Here is what we want to reach: I believe the people ought to rule. Now, here is a party in power and the party in power to-day has brought about certain legislation. Suppose we go into the next presidential election and issues are proposed and enacted into law by the administration, and we come to another election and the matters are presented to the voters as issues. They go before the people and present them. The people speak their voice and they either indorse or refuse to indorse the acts of those who have brought these things about. They cast their ballots at the same time for the election of Members of both Houses. Now, what is the present situation? You have to wait 13 months. Here is the judgment of the people of the United States, expressed at the ballot box, demanding certain reforms in legislation, demanding that certain things be done, and yet under the provisions of the Constitution, as we have it now, you have to wait 13 months or about that time before you can have the wishes of the people put into law.

Mr. UNDERHILL. Will the gentleman yield?

Mr. GLOVER. Yes.

Mr. UNDERHILL. Does not the gentleman consider that, at the tme of the Know-Nothing movement and at the time of the A. P. A. movement, it was a pretty good thing to wait 13 months before the Members of the Congress that were elected at that time took their seats and began to put into operation their bigoted ideas?

Mr. GLOVER. I did not live in the days of the Know-Nothing movement. The gentleman may have lived back in those days, but I was not educated in that school.

Mr. UNDERHILL. But the gentleman knows something about history.

Mr. GLOVER. I say to you that we are a great, progressive Nation. We are a Nation that says the people ought to rule and we ought not to stifle the will of the people and say that 13 months shall pass before we may carry out their will. [Applause.]

If this proposed amendment is adopted Congress will meet on the 4th day of January. If nothing else was in the amendment than that I believe it would justify its submission to the people and its passage or adoption by them.

In the short session we have three months. We have about 20 days of the session before Christmas, then the holidays come and we are two weeks on a vacation, and we get out of touch with the legislation and then come back and really we have about 2½ months for consideration of legislative business.

Now under this proposed amendment the holidays would be taken out and we would come here in session on the 4th day of January. Then the President of the United States and the Vice President would take their office on January 24. That would give 20 days for Congress to be in session and organize and function. I think if we had these changes it would be beneficial.

Mr. COX. Will the gentleman yield?

Mr. GLOVER. I yield.

Mr. COX. I do not intend to combat the gentleman's argument, but the statement has been made that there is a public necessity for the adoption of the proposed amendment. I have heard it stated that there is no evidence of any inferiority in the class of legislation adopted at the lame-duck session than is adopted at the long session. Therefore the necessity does not arise on bad legislation.

I have followed the gentleman closely and other speakers, and the only ground I find existing for the legislation rests on the fact that it will be an added convenience to the new Members in that they will go into office and function as representatives of the people within a shorter time than 13 months as is now the case.

Mr. GLOVER. That is only one reason. This provides in a case of death of the President, the Vice President to supply the vacancy, and you could imagine a condition that might arise when we would be thrown into a situation without a guide to get anywhere. We ought to have legislation on this subject. I think we ought to have authority to pass legislation that will take care of that situation in case of vacancy. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, ladies, and gentlemen, I will say in answer to the remarks of the gentleman from Connecticut [Mr. TILSON] that the constitutional amendment is absolutely essential if we are going to change the proroguing of Congress from the method now in vogue—change the method from meeting 13 months after election to a month or month and a half after election.

The First Congress, by virtue of the statute passed September 13, 1788, by the Continental Congress after three-fourths of the States had ratified the Constitution, met in the first session on the first Wednesday of March of the following year. It so happened that the first Wednesday was the 4th of March, at which time the First Congress came into being.

Now, the gentleman from Connecticut says that we would have the right to change the date any time we want to; but the minute we do that, we vary the term of office of Members of this House; we either lengthen or shorten the terms of at least one Congress.

The Constitution provides that the term of office shall be but two years and we can not vary those terms a day or the fraction of a day. Therefore an amendment is quite essential. For example, the Seventy-second Congress was elected last November, 1930. Its Members do not take office till March 4, 1931. They do not meet, unless called into extraordinary session by the President, till the first Monday in December, 1931, 13 months after election. Since they do not take office till March 4, 1931, they can not be, constitutionally, called into session till March 4, 1931. If we pass a statute starting this session, say, January 4, 1931, we would be shortening the terms of the Members of the Seventy-first, the present Congress, since they run from March 4, 1929, to March 4, 1931—shortening their terms by two months. And we can not do this by statute. We can not change the term. That can only be done by a constitutional amendment.

Similarly, by another act, March, 1792, Congress provided that the terms of the President and the Vice President should commence on the 4th of March after they were elected. They are elected for four years. Their terms can not be lengthened or shortened. There, again, we can not change the time when the President and Vice President shall begin their terms by an act of Congress. That must be done by constitutional amendment.

There have been Presidents in our history who arbitrarily changed the time when they commenced terms of office, but the procedure was quite illegal.

For example, there was an interregnum of one day when President Monroe refused to take office because March 4, 1821, came on Sunday. He took the office on the following day. He had no right to do so; it was unconstitutional to vary the commencement of his term of office.

Zachary Taylor also refused to take the oath of office on March 4, 1849, and took it on the following day. Rutherford B. Hayes refused to take his office on March 4, 1877, and took it instead on Saturday, the day before. He increased the term of his office by one day. That thing should not occur. There should not be any uncertainty. We should have it definitely stated in the Constitution when

these terms shall begin and when they shall end. The pending bill rightfully does away with the "lame-duck" Congress.

Mr. Speaker, a lame duck is usually a wild bird that has been wounded and brought down to earth by the hunter. Ofttimes the shot lames the wild duck and the very lameness in time tames it. All wildness is gone and the bird becomes very docile.

There is another species of "lame duck," and that is the Senator or Representative who has been brought down to defeat by the constituents in the election but who continues on for four months with full power of voting in the congressional short session. They are political lame ducks. They are very tractable, very docile, and usually under the promise of a job will vote any way demanded of them.

The Seventy-first Congress is about to die. During the present short session, which is about to end, the Congress has contained a considerable number of Senators and many Representatives who were defeated at the polls in November, 1930, but whose terms do not expire until March 4, 1931. Despite their defeat they have served during this short session. Although not wanted by their constituents, a hackneyed and worn-out provision of our Constitution forces those same constituents to be represented by men that they have unseated. Usually little service is rendered by these "lame ducks," or rather "sore ducks"; more often it is disservice. Surely their head is not in their work. They are disgruntled and dissatisfied, and their tempers are usually bad. The remedy for this wretched system is the adoption by Congress and the State of the so-called Norris amendment to the Constitution.

A man newly elected to Congress under the present system must cool his heels for 13 months before he can function as a Representative. The Representatives elected last November do not function until next December.

When the Constitution was adopted we were an agricultural people, and travel was by horse and stagecoach. It took months to go to Washington, and then there had to be considered the spring planting and the autumn harvest. In order that the orderly procedure of farming might not be interrupted, and to allow for long distances, Congress was not to convene until more than one year after election.

We are now no longer exclusively an agricultural people, and the distance to Washington has been greatly lessened by the railroad, the telegraph, the telephone, and the aeroplane, and the stagecoach has become a curiosity.

There is practically no opposition to the Norris amendment. There are, however, some who feel that the new Congress should not meet so soon after its election. They contend that the period of 13 months between election and the convening of Congress affords a "cooling-off" period—"affords opportunity for reflection and would prevent half-baked emotional legislative action born of the heat, the excitement, and the animosity of a political campaign."

That argument, however, vanishes into thin air when we consider that our constitutional system is one of checks and balances. The House may be newly elected every two years, but the Senate is not. Only one-third of the Senate is elected each two years. That is sufficient check upon House action born of passion or prejudice or the heat of the campaign. Then there is the further brake in the presidential veto.

It is interesting to note that three times in our history the election of a President has been thrown into Congress, and each time "lame ducks" had a part in determining who should be our President, namely, the contests between Jefferson and Burr, Adams and Jackson, Tilden and Hayes. Three times, therefore, men who had been repudiated at the polls, and could not represent, in all political honesty, their constituents, had a voice in the election of the President. Men who have been defeated at the polls are not really qualified to have a voice in our legislature after that defeat.

The real vice, however, lies in the fact that the "lame duck," under promise of a job, becomes very tractable and votes as the administration desires without consulting the wishes of the people in his district.

I am opposed to the amendment offered by Speaker LONGWORTH, namely, that the second session shall terminate on May 4. This is an admission of weakness. Within the 2-year constitutional term the Members of Congress have the right to determine the date of adjournment of the second session. They can trust themselves as to when they shall end their deliberations. Having the date fixed in advance by the Constitution creates a sort of log jam during the last few days of the session. This is always the vice of the short session ending constitutionally on March 4. Usually more bills are passed in the last two or three days of the session than during all the days preceding. Action is therefore hasty and often ill-advised, and the door is left wide open for the filibuster. Those who filibuster usually do so during the legislative jam just prior to March 4 of a "lame-duck" or short session—March 4, when the Constitution requires adjournment. Those who filibuster know that by unreasonably drawing out debate at the end of the session they can waste time until March 4, at noon. The same thing would occur under the Longworth amendment, if the date were fixed as May 4. If the date is to be fixed, let it be fixed by consent of the Members, and not by the Constitution, so that if a filibuster is in the offing the date of adjournment can again be postponed. This would balk much filibustering and the majority could then vote as it saw fit and wise.

Furthermore, we can not disregard the wisdom of other nations with reference to the time that shall elapse between the election of the more popular branch of the legislature and the time they shall commence their duties. For example, in England the practice in the past has been to make the interval between the elections and the assembling of Parliament as short as possible, and the history of England tells us it has always been comparatively short. It never is 13 months, as here. The same is true of the practice in Canada, New Zealand, Australia, and other British dominions.

The administrative branch of the British Government must always possess the confidence and support of the Parliament. To determine this the house must be called into session. Under the procedure in England and the British Dominions it would be impossible for members of Parliament to continue to legislate for months after the people had expressed their wishes at the polls. In France the electoral college must be summoned after a new election within the space of two months and the Chamber of Deputies within 10 days following the close of the elections. In Germany article 23 of the German constitution of August, 1919, provides that the Reichstag shall assemble for the first meeting not later than 30 days after the elections. In Norway the Storthing assembles every year on the first week day after January 10, while the elections must be concluded before the end of the month of November. The practice is similar in Sweden. The Austrian constitution stipulates that the Nationalrat must be summoned by the President of the Austrian Republic to meet within 30 days after its elections. In Hungary a new election of representatives takes place six weeks prior to the opening of the first annual session of the new diet. In Brazil the election of members for the Chamber of Deputies occurs on the first Sunday in February preceding the 3d day of May, which is the first session of the new legislature. In other words, there is a lapse of about three months between elections and the calling of the session. In Argentina the election of deputies takes place on the first Sunday in March of all years of even numbers, while the first meeting of the chamber occurs on May 1. Thus approximately two months elapse between the elections and the convening of the Chamber of Deputies. All of this indicates that the system in this country is unique.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GIFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman and members of the committee, I am in favor of this resolution. I have spent some time with, perhaps, the most pleasantly working committee in the service of this House in the extensive hearings had,

and bringing this measure to a condition valuable to the country and not as a perennial gesture.

I recognize two distinct features in this proposition. One relates to the time of the convening and adjournment of Congress, which, under the Constitution, is flexible and can be made certain by legislation up to a certain point. The other proposition is based upon many conditions involving contingencies and uncertainties in the election and succession of President and Vice President which are not provided for in the Constitution. Many of these contingencies are suggested in legislative questions submitted in 1928 by Hon. SCOTT LEAVITT, of Montana, as follows:

(a) Does the Secretary of State succeed to the Presidency if for any reason there is no constitutionally elected President by the March 4 when the term of the Chief Executive begins?

(b) Shall there be a special election, or does the person succeeding to the Presidency fill out the unexpired term?

(c) If the election were ordered in case of a vacancy in the office, could it be for the unexpired term, or would it have to be for a term of four years, thus disarranging the 4-year period of the Government?

(d) Does the commission of a Cabinet officer expire on March 4, and would this prevent succession?

(e) For what length of time would a Cabinet officer act as President?

(f) Shall the choice of a Chief Executive be intrusted to the House of Representatives about to go out of existence, when such House may even be under control of the party defeated at the preceding November election?

(g) Where the President elect dies before the second Wednesday in February, the day fixed by law for counting the electoral vote, may the House of Representatives elect a President?

(h) In case of failure to count the votes and declare the results by the 4th of the March when the term of the Chief Executive begins, where the electors have not failed to elect but Congress has failed to declare the result, may the count continue?

(i) Would the Vice President or Vice President elect succeed to the Presidency should the President elect die before the 4th of the March, when the term of the Chief Executive begins?

(j) Who would be President in case both President elect and Vice President elect should die before the March 4 when the term of the Chief Executive begins?

(k) If more than three persons voted for as President should receive the highest number and an equal number of votes in the Electoral College, and suppose there were six candidates, three of whom had an equal number, who is to be preferred?

(l) If there should be more than two of the candidates for the Vice Presidency in a similar category, for how many, then, and for whom would the Senate vote?

(m) If a candidate for President should die after the election and before January 12 of the following year and before the electors met, how should they vote?

(n) If the President elect should die after the Electoral College has met and before Congress counted the vote, how could the vote be counted? Or could it be postponed?

If it were just a question of shifting the initial congressional meeting from the first Monday in December to March 4, which can be done by legislative act, I should not support this amendment. Because an amendment to the Constitution of the United States is a reverend and solemn step to be seldom taken. It should never be taken unless in response to a great demand, a great necessity, and undoubted wisdom. So standing alone the feature that men speak of as the "lame duck" feature of this resolution would not have received my support. It would not have been reported from the standing committee without at least a very respectable and emphatic minority report.

I am not of those who see in the Constitution or in the history of its making any great concern for immediate response to the apparently expressed views by the people at the November election. That view, wise or unwise, is a tendency somewhat dominating now, but guarded against in the convention. The fathers never intended that, and in so far as safety lies we should not follow it now, to remove an ancient landmark.

I regret to hear men argue here that because the nations of Europe and the rest of the world immediately respond after elections to what they consider the demands of the people to be that we should follow in their wake to the destruction awaiting many of them. This great Republic attained, occupies, and maintains its present proud position, dominant in the world, because it is different from any other nation on earth. [Applause.]

We pattern after no nation. Our strength and stability are largely due because we chose our course, selected our forum, espoused our own principles, and avoided the mistakes of other nations of the earth. [Applause.]

I believe as a citizen and Representative from one of the smaller States of the Union, speaking in terms of population, that our presidential electoral system must be held intact. In other words, we should perfect our electoral system so that the advantage small States have will be retained. It is a fact that a citizen of such a State counts for much more than one in a very populous State in determining the Presidency of the United States. That, true in the electoral vote, is also true when the electoral vote fails, because then it goes to the House of Representatives. There we, a small unit in appearance, are just as strong as any State in the Union.

Of the 531 electoral votes, 96, or 2 for every State, is a fixed factor. In that 18 per cent Nebraska is as big as New York. In the other 82 per cent New York is nine times as big as Nebraska; Pennsylvania seven times; Illinois six and one-half times; and Ohio five times.

Under the present system and recent census, in determining the election of a President, 100 Nebraskans are equal to 137 New Yorkers, 135 Pennsylvanians, 134 Illinoisans, and 131 Ohioans; while under the system advocated by the author of Senate Resolution No. 3 a Nebraskan would be precisely the same theoretical force as a resident of any of the four States named.

Nebraska is an agricultural State with high degree of literacy and prone to cast discriminating votes. It is liable to have, therefore, smaller relative majorities than those of industrial States containing many populous centers. Under the popular-vote system, New York could easily give a majority ten to fifteen times as great as Nebraska, and therefore be that many times more influential than Nebraska in electing a President.

In the interest of historical accuracy I desire to correct a prevalent impression that the 1st Monday in December was selected on account of meager means of transportation. Nothing is further from the fact. The Constitution makers knew that Congressmen and Senators could travel, reaching Washington on the 4th day of March or any other convenient date, as well as the President. You will find if you read in Hunt and Scott's or any other edition of Madison Papers, that on the 7th of August, 1787, when fixing the time, they did not talk of bad roads, floods, or the difficulty of getting to Washington; but they did consider whether or not it would accommodate the farmers of the country by convening in December in the winter season rather than in May. Although Madison himself, and he does not usually magnify his own defeats, tried to make it May, he was defeated, and on the vote there were 8 for December and 2 for May. The other three States did not vote. I submit from pages 348, 349, and 350 of Hunt and Scott's Madison Papers, copyright 1920, the following:

Mr. Madison wished to know the reasons of the Com. for fixing by ye Constitution the time of meeting for the legislature; and suggested. that it be required only that one meeting at least should be held every year leaving the time to be fixed or varied by law.

Mr. Gov. Morris moved to strike out the sentence. It was improper to tie down the legislature to a particular time, or even to require a meeting every year. The public business might not require it.

Mr. Pinkney concurred with Mr. Madison.

Mr. Ghorum. If the time be not fixed by the Constitution, disputes will arise in the legislature; and the States will be at a loss to adjust thereto, the times of their elections. In the N. England States the annual time of meeting had been long fixed by their charters & constitutions, and no inconveniency had resulted. He thought it necessary that there should be one meeting at least every year as a check on the executive department.

Mr. Elseworth was agst. striking out the words. The Legislature will not know till they are met whether the public interest required their meeting or not. He could see no impropriety in fixing the day, as the Convention could judge of it as well as the Legislature.

Mr. Wilson thought on the whole it would be best to fix the day.

Mr. King could not think there would be a necessity for a meeting every year. A great vice in our system was that of legislating too much. The most numerous objects of legislation belong to the States. Those of the Natl. Legislature were but few. The chief of them were commerce & revenue. When these

should be once settled, alterations would be rarely necessary & easily made.

Mr. Madison thought if the time of meeting should be fixed by a law it wd. be sufficiently fixed & there would be no difficulty then as had been suggested, on the part of the States in adjusting their elections to it. One consideration appeared to him to militate strongly agst. fixing a time by the Constitution. It might happen that the Legislature might be called together by the public exigencies & finish their session but a short time before the annual period. In this case it would be extremely inconvenient to reassemble so quickly & without the least necessity. He thought one annual meeting ought to be required; but did not wish to make two unavoidable.

Col. Mason thought the objections against fixing the time insuperable; but that an annual meeting ought to be required as essential to the preservation of the Constitution. The extent of the country will supply business. And if it should not, the Legislature, besides *legislative*, is to have *inquisitorial* powers, which can not safely be long kept in a state of suspension.

Mr. Sherman was decided for fixing the time, as well as for frequent meetings of the legislative body. Disputes and difficulties will arise between the two Houses, & between both & the States, if the time be changeable—frequent meetings of Parliament were required at the Revolution in England as an essential safeguard of liberty. So also are annual meetings in most of the American charters & constitutions. There will be business eno' to require it. The Western country, and the great extent and varying state of our affairs in general will supply objects.

Mr. Randolph was agst. fixing any day irrevocably; but as there was no provision made any where in the Constitution for regulating the periods of meeting, and some precise time must be fixed, until the legislature shall make provision, he could not agree to strike out the words altogether. Instead of which he moved to add the words following—"unless a different day shall be appointed by law."

Mr. Madison 2ded. the motion, & on the question,

N. H. no. Mas. ay. Ct. no. Pa. ay. Del. ay. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. ay.

Mr. Govr. Morris moved to strike out Decr. & insert May. It might frequently happen that our measures ought to be influenced by those in Europe, which were generally planned during the winter and of which intelligence would arrive in the spring.

Mr. Madison 2ded. the motion, he preferred May to Decr. because the latter would require the travelling to & from the seat of govt. in the most inconvenient seasons of the year.

Mr. WILSON. The winter is the most convenient season for business.

Mr. ELSEWORTH. The summer will interfere too much with private business, that of almost all the probable members of the legislature being more or less connected with agriculture.

Mr. RANDOLPH. The time is of no great moment now, as the legislature can vary it. On looking into the constitutions of the States, he found that the times of their elections with which the election of the Natl. Representatives would no doubt be made to coincide, would suit better with Decr. than May. And it was adviseable to render our innovations as little incommodious as possible.

On question for "May" instead of "Decr."

N. H. no. Mas. no. Ct. no. Pa. no. Del. no. Md. no. Va. no. N. C. no. S. C. ay. Geo. ay.

Therefore, it was not a question of the difficulty of getting here, but, in my opinion, it was based very largely on the will of the two most important factors in the Constitution making of this country. I heard with a good deal of interest the tribute paid to George Washington, who presided over that great assembly, and of Benjamin Franklin, the diplomat, who kept the forces steady, subduing passions and diplomatically controlling them all. I desire to tell you, as I read the history of that time, the two great forces in dominating that convention were one who was not there and another who was handicapped in the New York delegation. I refer, of course, to Thomas Jefferson and Alexander Hamilton. [Applause.]

The one by shrewd present control, and the other in absentio was vocal through Madison and others.

Jefferson's followers, believing that that country is governed best which is governed least, saw in the December meeting a recovery of Congress from the passion and acrimony of a campaign. This with the near approach of the next election would favor short sittings, little legislation, and that of a conservative character.

Of course the progress in the world's activities, in which government must take some part, prompts me to favor a much shorter period to elapse between November elections and convening of Congress and inauguration. I regret that throughout the debate on this question all Members did not refrain from using the term "lame duck" when referring to the proposed amendment. My aversion to the word has been of long standing. Before I was defeated, or ever expected to be, I criticized the word as to individuals. What is repulsive to the individual is repulsive to the nth degree when applied to the solemn process of amending our National Constitution.

It is not to be wondered that this proposed amendment's progress for a decade was slow, when we recall that it was in the Senate referred to the Agriculture and Forestry Committee. This was probably on the theory that it must under its peculiar designation have some relation to poultry or winged game. Its conduct from that side suggests that it was designed to win on a fowl.

In the hearings before the standing committee I asked several witnesses what their reading and observation had shown as to nonelected Members manifesting less interest, industry, and patriotism than those who were returning with certificates of election. The uniform answer was there was no evidence or appearance of lessening zeal and rectitude in the discharge of duty. In substance those who were defeated, fell in fight, not in flight.

Permit me to suggest a few names of whom I believe their contemporaries, neither from lack of respect or paucity of vocabulary, ever used the opprobrious term:

Speakers: Cannon, Clark, and LONGWORTH.

HENRY ALLEN COOPER, dean of this House.

Presidents: The two martyrs, Lincoln and McKinley, and hosts of others, now among the white-robed throng where calumny can not reach them from across the chasm of gloom to the Palace of Light.

In the course of this debate the real contest has been between those who desire solely a shorter period between November elections, and the first meeting of Congress, and those favoring safe-guarding presidential elections and successions. As it is now, roundly speaking, 13 months to be reduced there are two methods: First, by a short legislative act, authorized under the Constitution now which could cut it down to the 4th of the following March, or a nine months' cut which is about 70 per cent of the whole intervening period. Second, by the proposed amendment the period would be reduced nine months, or about 85 per cent, a difference of only 15 per cent between the statutory and the constitutional method.

For the purpose of response to November-election verdicts the difference is not sufficient to warrant the turmoil and dislocation incident to the adoption of a constitutional amendment, especially as the present arrangement has existed almost continuously for nearly 150 years.

The limiting amendment, known as the Longworth amendment, adopted on the floor of the House was not deemed necessary by the fathers. Because then statesmen spoke and reasoned to convince others and obtain early action. Now, their successors, speaking audibly to themselves, and few others, chew one ear while the other listens in a vain effort to convince the speaker of the policy to be followed. This process has recently lasted five hours at a time.

So that a surcease of this procedure may be given the country a few months before a national campaign shall begin, attest the wisdom of the Longworth amendment. Many members of the standing committee favored this, but, fearing it would not carry in the House, did not report it. But the great vehicular consideration for this amendment's adoption is to make the election and succession of President and Vice President certain. Further, have the saving of our electoral system which works well when two parties dominate the country, but which would stagger under the cliques and blocs which popular votes for Presidency would tend to create.

So I cheerfully support the amendment as a unit. I believe that the fathers were deeply concerned in the arrangement of the terms of office in which they sought to carve out periods within which settled policies should be started and continued to the end. The modifications should come after the new factors should be revealed at the November election, and the newly elected should take their seats in a new period set apart by the Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. GIFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Chairman and members of the committee, it seems to me the committee which has had this matter under consideration for the House, off and on for several years, has made an admirable effort to solve a great many perplexing problems of governmental structure and machinery in this one enactment. For that they are entitled to the thanks of the House, whether we agree with the results of their work or not. But when we come to the question of amending the Constitution of the United States, particularly upon phases of that Constitution which relate in their major significance to the workings of this Congress, this body as a whole should give to its deliberations not only the most serious attention, as it would to any other amendment, but the fullest and most complete discussion, in order that there may be before the people and before the legislatures of the various States the views of this House and its Members on a matter which most intimately affects its operations. It is in that spirit that I am speaking here to-day, feeling that some phases of this question must be considered very seriously by the country as well as by the Congress.

I agree with the gentleman from Nebraska [Mr. SLOAN] that we should retain the Electoral College system. I would have preferred, however, that this amendment should have substituted a convention meeting of the Electoral College for the present system of meeting by mail, and should have substituted that convention meeting of the electors for election by the House of Representatives in the event of a failure of the first vote to elect. It seems to me that while we are discussing that question we should very seriously consider whether the Electoral College, now that communications are as simple as they are to-day, should not become an actual, operating, and electing body, and not merely a group of messengers transmitting their verdict by mail, and in the event of their disagreement throwing back the burden of the choice of the President upon a House necessarily divided in many groups and many strata. As the matter now stands—and will stand if this amendment carries—in the event the electors on their first mailed ballot fail to cast a majority for one candidate the duty of selecting a President devolves upon this House, with the vote of each State counting as 1. In other words, Nevada, with 86,000 people and 3 electoral votes, counts as heavily as New York, with 12,000,000 and 47 electoral votes. In my view we should call the electors together in convention under such circumstances and have them choose the President. Generally speaking, our electors are the highest type of our citizenship, and the making of a wise choice in the event of no election on the first ballot could safely be left to them, thus preserving the same proportionate voice to the States as in the election by the people.

That, however, is not in the amendment proposed here to-day. It seems to me, however, that the legislatures of the various States should consider, if this amendment is submitted to them, whether they prefer to continue the system of election of the President by the House in the event of nonelection by the electors, or whether they prefer the method I have here suggested.

The amendment, however, is popularly known as the "lame duck" amendment, and probably that view of it will carry it to passage in the States whatever this Congress submits to the legislatures. For I think it clear that a strong popular prejudice has been created on this subject. I do not agree that any harm has resulted in the past from so-called "lame-duck" sessions worthy of correction by constitutional amendment, but the country apparently dislikes the system.

I want to suggest to the House, however, one feature of the advancement of the date of meeting which perhaps may not enter the minds of men after they have once taken their office here. Let us look at what the 4th of January commencement date of service means to a man serving his first term in the House. It means, especially if he lives at a point remote from the city of Washington, that, before considering whether he can become a candidate for membership in Congress, he must determine whether his business or his professional work is in such condition that he can leave it for at least six months, and possibly for two years, instantly upon his election. His position differs from that of the man who is a candidate for State office, whose service, when selected, is to begin and continue in the immediate vicinity where he has heretofore been conducting either his professional or his business activities.

I ask any Member of this House who is a lawyer whether his law practice in the November of his first election to the House was in such condition that he could, with justice to his clients, throw it all to one side in six weeks to begin his official duties here, particularly if the location of his home and his practice was at a distance of a thousand or two thousand miles from the seat of government? In my own case—and I have no doubt it is true of a majority of the Members of this House—I could not have been a candidate for election to Congress if that election had meant leaving home in six weeks after election. I do not believe we can maintain the high standard of membership of the House of Representatives by putting upon newly elected Members the obligation of forsaking every home tie and duty the performance of which has produced the kind of position in their business or profession which justifies their election to the House on any such short notice after the strain of a campaign for election. [Applause.] It is all very well for those who are already Members. It may weaken the quality of their opposition for reelection, but I do not believe there is a Member here who, if he looks back to the date of his first election, will say that he could, with justice to the other interests which he represented, throw them all aside on such short notice and come here for six or eight months. That is one factor that has been completely overlooked in this discussion so far as I have heard it in the six years I have been a Member of the House.

There is one other thing in this legislation which merits serious thought, and that is the question of the fixation of an adjournment date. We may just as well face the fact that there will always be in one of the bodies, which make up the Congress of the United States, some men who would like to see Congress in session practically unceasingly. On the other hand, no one can read the press of the Nation to-day, without distinction of party or section, and not recognize that there is a very grateful feeling throughout the land that the Constitution ends this session on the 4th of March.

If we are to pass this type of constitutional amendment I am personally convinced that somewhere in it there must be either the fixation of an adjournment date or power to either body to end its sessions without the consent of the other. The Constitution to-day provides that neither the House nor the Senate may recess for longer than three days nor adjourn without the consent of the other. I propose to offer an amendment to this resolution—providing no amendment is inserted fixing an adjournment date—conferring upon either body the power to recess for longer than three days, or to adjourn after they have been in continuous session for four months, without the consent of the other body. I see no reason why such an absurdity, such a legislative farce should continue as the situation that existed in this Congress in its first special session, when we operated on a series of 3-day recesses for five months, dependent upon a gentleman's agreement against points of no quorum. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman and members of the committee, it seems to me there is some confusion with reference to this proposed amendment. In the first place, the necessity for the amendment, whatever it may be, arises not from the language of the Constitution but from the date at which the Government under the Constitution began. The scheme originally was that we would have the election

in the fall and the sessions of Congress begin on the 1st of the following December. The Continental Congress fixed the time at which the Congress provided for by the Constitution began to function. The Constitution having provided that the Members of the House should be elected for two years, that two years began at the beginning of the first session. But it is not profitable to go further into that phase of the matter. The result has been that it is 13 months after a Member of Congress is elected until he begins the performance of his duties unless there is a session called by the President, but in the meantime in any event the short session is held during which the legislative duties naturally belonging to an elected Member may be discharged by his defeated opponent. As I view it, this proposed amendment does not alter the plan established by the Constitution. It relieves the plan from the interesting effect of the more or less accidental date at which the functioning machinery set up by the Constitution began to function. Many questions, now important, in the infancy of the country were of no concern. There were many great men in those days, but I have never been one of those who have made in their behalf the absurd claim of almost infinite wisdom. It is perfectly clear that the Members of the First Congress did not fully comprehend the Constitution. For instance, when the First Congress convened the Members did not at all appreciate the difference between the Constitution of the Congress, called into existence by the Constitution and ending only by the limitation fixed by the Constitution, and the Constitution of the British Parliament, called into being by the writ of the King and dissolved by his mandate. When the first second session was convened they followed the procedure of the British Parliament, reintroducing all bills which had been pending at the end of the first session. It was almost at the beginning of the Civil War before the present plan was fully established in the Congress. It was during that same time, and based upon the same erroneous conception, that the practice of the pocket veto began.

There is another very interesting thing. When we put into the Constitution our provision with regard to impeachment we followed the language of the constitution of Massachusetts and eliminated entirely the power to punish for crimes. However, when we came to our first case of impeachment, the Members of Congress seeking for precedents, having none of their own, followed the precedents of the British procedure developed in real criminal prosecution where the death penalty and confiscation of property might result. I cite these facts to illustrate the absurdity of ascribing to our forefathers well-thought out and intended consequences for all their acts. As a matter of fact this proposed amendment does not change the Constitution as drafted and ratified, but restores it by removing the consequences incident to the beginning of operation to which I have referred. I am speaking now of the House sessions. I will be candid with the members of the committee when I make the statement that I think the effect and influence of what is known as the lame ducks in Congress is very much exaggerated in the country. Still it must be admitted that for a person to continue to represent a constituency after his defeat, is contrary to the whole plan and philosophy of a representative system of government.

I arose however in anticipation of the amendment which we are advised is to be offered to limit arbitrarily and fixedly the duration of the second session of Congress. That amendment if adopted would take from the Congress the power to continue until in its judgment its business is finished. For the Congress to propose such an amendment to the country would be a confession that in its judgment it is unworthy to be intrusted with that responsibility of the Government. Two schools of thought have clashed from the very beginning of this Government and they are going to clash this afternoon. Those who believe in the people and those who mistrust the people. I am not willing to yield to the executive branch of the Government the determination of how long Members of Congress should have in which to discharge their constitutional responsibilities. I challenge the basis of that fear of the Congress. It is such things as this proposed amendment which shakes the confidence of the people in the Congress. Why should the country trust the Congress if it proclaims by this amendment that it is its judgment of itself that it can not be trusted to fix the date of its own adjournment. There is nothing to justify such a thing.

It is a fact that in the great crises of the past it has been the legislative branch of the Government that stood against tyranny, oppression, and corruption. It makes mistakes; yes. God Almighty has not sought to guard human beings against the possibility of making mistakes. After all we must have a constituency which will not tolerate the abuse of power and discretion on the part of their elected agents. It is not a bad thing for it always to be possible for mistakes to be made. It is to be proposed to fix this date of adjournment rigidly in the Constitution, as though all wisdom and patriotism would die with us. I am willing to leave to each generation as it comes to responsibility the opportunity to determine for itself how and with what instrumentalities it is to do its work. There is nothing to justify this spectacle which it is proposed the Congress shall make of itself before the country. The very idea of gentlemen standing on the floor of this House and saying we can not trust the Congress with the determination as to when it is to adjourn, when it is a fact that at the beginning of this Congress you gentlemen on the Republican side of the House had the power under the Constitution to prevent every Democrat from taking his seat. The framers of the Constitution were not afraid to intrust Congress with that power, and the history of this country is that that power has not been abused. The Constitution gives to the personnel that constitutes the House and the Senate the power to take the President from the White House.

The Constitution gives to the personnel that constitutes the two Houses the power to take every member of the Supreme Court from the bench. The Constitution gives the two Houses of Congress the power to send my Nation to war. I challenge the history of this country for any evidence of the abuse of that power. The Constitution gives to Congress the power to appropriate money, every dollar that the people of the Nation has, and without limit.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JEFFERS. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. SUMNERS of Texas. Ladies and gentlemen of the committee, are you this afternoon going to confess to the country which sent you to this Chamber, that when you judge of your own conscience and capacity and of your fellows you feel that for the public security you must write into the Constitution a limitation upon yourselves, saying, in effect, to the country, "We do not believe we have the capacity and patriotism to adjourn when we shall have finished the business of the country. We want the President of the United States as a sort of guardian over us to be intrusted with the determination as to whether the second session of Congress shall function beyond the 4th of May." I will never agree to that. I will never agree that the men and women with whom I associate here can not be trusted to determine when they shall have finished their business and are ready to go home. I understand that this afternoon the Speaker of this House, for whom I have great respect, will leave his place and come to the floor of this House and offer to the men and women over whom he presides the opportunity to tie their own hands, and as I see it, to make a pathetic spectacle of themselves in a public admission of unfitness for custodianship of those great governmental responsibilities with which the Constitution has intrusted them. [Applause.] If they can not be intrusted, and they admit it, to fix the date of their own adjournment, how can they claim for themselves public confidence in those great transactions incident to the life of a great nation? We ought to defeat the amendment.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. JEFFERS. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. KNUTSON] such time as he may desire.

Mr. KNUTSON. Mr. Chairman, ladies and gentlemen of the committee, for years it has been one of the favorite pastimes of newspapers and magazines to attack the so-called lame-duck sessions of Congress, and humorous writers have made much of our failure to act.

I am one of those old-fashioned individuals who believe that the framers of the Constitution had a very definite purpose in mind when they drafted the present provision of the Constitution whereby we meet 13 months following an election. In the heat of campaigns candidates are apt to make rash promises that are incapable of fulfillment, and I may say to you it would be dangerous to convene a new Congress within 60 days after an election unless we took the newly elected Members and placed them on ice, thereby giving them an opportunity to reflect and cool off before taking their seats in this body.

Mr. KVALE. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. KVALE. Would the gentleman say that that should apply also to those elected to fill unexpired terms?

Mr. KNUTSON. In certain instances. [Laughter.]

Under section 2 of this resolution Congress will meet on the 4th day of January, and may sit for two years without interruption or intermission. Now, what would that do to the country? One of the great sources of worry to the Nation in the past few weeks has been that we would fail to pass one or more of the supply bills, which would compel the President to convene the next Congress in extraordinary session prior to July 1. If an extra session of the Congress would be bad for business at this time, why would not that be true in future years?

I do not know, but I presume a majority of the American people feel that the lame-duck session of the Congress should be abolished. I do not. I sincerely believe there is very grave danger, my friends, in convening a newly elected Congress 60 days after election. We should give the newly elected Members at least six or seven months in which to cool off and reflect upon the duties which they are called upon to assume.

I yield back the balance of my time.

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman and members of the committee, the resolution now under consideration has been before the Congress and the country for 8 or 10 years. It has been debated extensively in all the great newspapers of the Nation, and I think I can state with certainty that public sentiment in America is overwhelmingly in favor of the pending resolution.

I have frequently discussed this question in detail in this Chamber, as a reference to the CONGRESSIONAL RECORD will show, especially in March, 1928, when I attempted in my feeble way to consider every phase of the problem and endeavored to answer the arguments urged against this proposed amendment. I shall not attempt to discuss this question in detail this afternoon, because, in my opinion, the time for debate has ended and the time for action is here.

May I say to my good friend from Massachusetts [Mr. UNDERHILL] that he completely misinterprets and misconstrues the fundamental principles underlying this resolution. He is no more correct in his analysis of the purposes and the effects of the proposed amendment than he is accurate in his historical references when he talks about Alexander Hamilton and Patrick Henry having helped write our Federal Constitution.

Every student of American history knows that Alexander Hamilton had only a negligible part in the writing of our Constitution. On the contrary, early in the convention he stated his views as to the character of document he would favor, but his views, as he himself stated, were so contrary to the sentiment of a large majority of the members of the convention that he practically withdrew and attempted to exercise no influence in framing that immortal document. While Alexander Hamilton had but little to do with determining the theory on which our institutions should be reared, and practically nothing to do with the details of the Constitution, and while the convention rejected the plan and theory he advocated, still after the Constitution had been written, largely as a result of the efforts of James Madison and those who labored with him and were in harmony with his theories of government, no man in America had more to do with securing the adoption of the Constitution than Alexander Hamilton.

And my good friend from Massachusetts talks about Patrick Henry having been an advocate of the Constitution and that to amend it would be to discredit him and other great men of the Revolutionary period. The gentleman ought to know that Patrick Henry was one of the most violent opponents of the Constitution. He denounced it as a base surrender of the rights of the individual States. In the Virginia convention he led the opposition to the adoption of the Constitution and voted against it, but after the Constitution had been adopted, Patrick Henry accepted the decision of his countrymen, and was instrumental in securing the adoption of the first 10 amendments to the Constitution.

My distinguished friend from Massachusetts travels far afield when he lauds the men who are the so-called lame ducks. He tells how great and patriotic many of them are. No Member of this House has challenged the integrity or good faith of the so-called lame-duck Members, but that is not the issue presented by this resolution. Elimination of the lame-duck sessions of Congress, meritorious as that proposal may be, is nevertheless only one of the wise provisions of this resolution.

The Norris resolution relates primarily to the lame-duck proposition, but the resolution which you are considering to-day goes much farther and corrects other serious evils. Two sections, 3 and 4, deal with situations not touched, or at least not cured, by the Norris resolution, and these two sections, 3 and 4, furnish to the Congress and to the American people strong and convincing reasons why the resolution should be adopted.

Now, no one can challenge the good faith of many of the so-called lame ducks or Members who fall outside of the breastworks in elections. We concede their honesty and integrity, but here is the proposition: We have representative government in America, and under our scheme of government every two years the Members of this body must go to the electorate and ask the people at the ballot box to express their opinions on their legislative records and policies. I say it is contrary to the genius and spirit of our institutions for a Member of Congress, no matter how honest and patriotic he may be, if the policy for which he stands and for which he has voted has been repudiated by his constituents; it is un-American, undemocratic, unrepublican to allow him to remain in office two or three months following his defeat and after the repudiation of his policies by his constituents. It is not a question of good faith. The question is, Shall the American people be permitted to have their views, as expressed at the ballot box, enacted into legislation? After great issues have been submitted to the American people in a nation-wide referendum and the electorate has spoken in no uncertain terms, and the policies for which a Member stands have been repudiated by his constituents, that Member should not be permitted for three months to vote for legislative policies which his constituents have repudiated.

Now let me call your attention to sections 3 and 4 of the resolution. In my argument two years ago I called attention in detail to the full scope of the pending resolution and the reforms it would accomplish. I called attention to the fact that in 1924 if no party had secured a majority in the Electoral College, and the election had been thrown into the House of Representatives, if Calvin Coolidge had died between the time of the meeting of the electors and the time Congress met to choose a President, not a single Republican in this House would, under the Constitution, have been permitted to vote for any Republican for President, but would have been compelled to vote either for John W. Davis or Robert

M. La Follette. And under the conditions I have mentioned, if John W. Davis had died between the time the Electoral College convened and the time Congress met to elect a President, then no Democrat in the House of Representatives could have voted for any Democrat for President. Every Democrat under those conditions and under our present Constitution would have been compelled to vote for Calvin Coolidge or Robert M. La Follette. By reason of the rigid and inelastic provisions of our existing Constitution, under the conditions to which I have referred, the House of Representatives would have been powerless to vote in a way that would reflect the will of the American people, and the President selected might have belonged to a political party that had been repudiated at the polls. Sections 3 and 4 of the pending resolutions will make it impossible for the will of the people to be thwarted by reason of the rigid and inelastic provisions of the present Constitution.

Now, sections 3 and 4 of the House resolution are not found in the Senate or Norris resolution. By odds these sections embody the most important and far-reaching provisions of this measure. They propose real, constructive legislation. They will correct grave and well-recognized evils in our electoral machinery and avert conditions that might result in sedition, growing out of a defeat of the will of the people as expressed at the ballot box. These disquieting conditions may arise at any time under the inelastic and archaic provisions of our Constitution relating to the election of President and Vice President.

Sections 3 and 4 provide remedies for several other complicated situations that may arise at any time to plague our people, and which grow out of our complicated political life, and which were never contemplated by our constitutional fathers when they wrote our Federal Constitution. In my discussion of this amendment on former occasions I have tried to show that the provisions embodied in sections 3 and 4 declare wholesome and wise public policies and should have been enacted many years ago.

Sections 3 and 4 clarify the electoral situation in presidential elections and provide for contingencies that may arise at any time. They are, in effect, an insurance policy against disputation and perhaps turmoil in closely contested elections, and when death touches one or more of the rival candidates for the presidency or vice presidency. It is almost a miracle that grave complications have not heretofore arisen by reason of the indefinite character of existing constitutional provisions relating to our election machinery. If the pending resolution contained nothing more than sections 3 and 4, its submission to the States for ratification would be amply justified.

I desire to make a comparison of the provisions of S. J. Res. 3 and H. J. Res. 292. The first is known as the Senate or Norris resolution, and the other is the House resolution which we are now considering.

1. *Terms of office.*—(*a*) Under S. J. Res. 3, the terms of office of the President and Vice President end at noon on January 15. Under H. J. Res. 292, such terms end at noon on January 24. (*b*) Under S. J. Res. 3 the terms of office of Senators and Representatives end at noon January 2. Under H. J. Res 292 such terms end at noon January 4.

This difference in dates is inconsequential, except under the House resolution 20 days elapse between the time Congress convenes and the time the President is inaugurated, while under the Norris resolution this time is only 13 days. In the opinion of the House committee 20 days should be allowed between the convening of Congress and the inauguration of the President so as to give Congress an opportunity to canvass the electoral votes and take any other action that may be necessary before the inaugural.

2. *Meeting day of Congress.*—Under S. J. Res. 3 the meeting day is January 2 unless a different day is fixed by law. Under H. J. Res. 202 such day is January 4 unless a different day is fixed by law. This difference in dates is of no consequence.

3. S. J. Res. 3 relates only to the case where the election is thrown into House and Senate and there is a failure to choose a President or Vice President before the beginning of the term. If the House has failed to choose a President before the time, the Vice President acts as President. Congress is given power to provide by law for the case in which the Vice President is not chosen before the beginning of his term.

The Senate resolution does not provide for the following contingencies which are covered in the House resolution:

(1) Death of a President elect.

(2) Death of a President elect and a Vice President elect.

(3) Failure of a President elect to qualify before the beginning of his term.

(4) Death of any of the persons from whom the House may choose when the election of President is thrown into the House.

(5) Death of any of the persons from whom the Senate may choose when the election of Vice President is thrown into the Senate.

4. *Effective date.*—S. J. Res. 3 becomes effective on the 15th of October following its ratification. That part of H. J. Res. 292 relating to the terms of office of the President and Members of Congress becomes effective on the 30th of November of the year following its ratification, while the part relating to the contingencies occurring with respect to the Presidency is effective on ratification.

5. *Mode of ratification.*—H. J. Res. 292 provides for ratification by legislatures the entire membership of at least one branch of which has been elected subsequent to the submission of the amendment to the States and further provides that it shall be inoperative if not ratified within seven years. S. J. Res. 3 contains no such provisions.

All things considered, I am quite sure that you will find from a comparison of the two resolutions that the House resolution is a decided improvement over the original Senate resolution, because it contains provisions in relation to the presidential successions, which are not found in the Norris resolution. In making this statement, I do not wish to be understood as criticizing the Norris resolution. It is the foundation on which the House resolution is bottomed, but the House committee by a careful study of the problems involved, extending over a long period of years, have been able to improve on the original Norris resolution and include therein remedies for substantial defects in our present Constitution, for the cure of which the Norris resolution offered no remedy.

In making these observations, I would not detract one iota from the credit and honor which is due to Senator NORRIS for having brought about the submission of this proposed amendment under adverse conditions, which would have discouraged a less resolute public servant.

The big question involved in this resolution is whether or not we are to make definite and certain the presidential successions; whether or not representative government in America is to survive; whether or not Congress will be the servant and agent of the people or their master; whether or not the American people when they go to the polls and express their opinion on principles, policies, and parties have the right, without waiting 13 months, to have their mandates crystallized into legislation. [Applause.]

Mr. GIFFORD. I yield one minute to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Chairman, I think nothing during my term in Congress has given me more satisfaction than to see this bill reported out and with real prospects to become a law. I am particularly pleased because the bill reported out is identical in every detail with one that I introduced, and naturally I think it is good legislation and ought to pass. I think the country wants this legislation, and if gentlemen will read the editorials throughout the length and breadth of the land I think they will realize that the people are in a temper where they will insist upon it. The conditions that necessitated the present system long ago changed.

A change in public sentiment should be readily reflected in the complexion of Congress. Members should meet im-

mediately after their election and carry out in legislation their campaign pledges. They should not be permitted to "cool off" and forget their solemn promises to the people who elect them.

Nor should there be any fixed date for adjourning, which permits filibustering and tricks to delay legislation and thereby defeat the rule of the majority. The present mandatory adjournment on March 4 of each odd-numbered year places too much arbitrary power in the hands of the Executive, for it is he alone who calls Congress into extra session.

The fear of Congress overriding a presidential veto may keep him from calling a special session after March 4 and thereby thwart the legislative will of the people.

It is far more important that Congress remain in session when the need exists than to provide an automatic adjournment to permit Members to return to their districts to campaign for reelection.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GIFFORD. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. NOLAN].

Mr. NOLAN. Mr. Chairman and members of the committee, I do not yield to anyone in this body in my respect for the Constitution of the United States. It has met the needs and requirements of the American people for almost 150 years, but, wonderful as that Constitution is, it would have been absolutely ineffective unless we had a people in America who were capable of making it effective. I have listened to those who feel that any change in the Constitution will undermine our fundamental government. I am not in accord with those who feel that way. Time and experience have proven that changes are necessary. If this document had been absolutely perfect in its inception and the men who wrote it thought it was perfect, they would not have provided in it for future amendments. I know there is a type of mind that feels that the things that are, must be, and that any change in the existing order means inevitable disaster. I realize we need men of this kind in society and that they are valuable so long as they are in a minority. They act as a brake sometimes on too rapid progress, but if a majority of the men who comprised the Constitutional Convention had been of this type of mind, we never would have had a Constitution of the United States. It seems to me that in this amendment which is proposed we are not striking at anything fundamental in the Constitution. It merely provides for a change in the machinery of government. It has to do simply with the mechanics of the Constitution and not with anything therein that is fundamental. The necessity for this amendment, I believe, grows out of the fact that the present procedure under the Constitution is inconsistent with representative government, and that as long as we have representative government those who represent the people in the lawmaking body should act as quickly as possible after they have been elected, and the inconsistency is that in the short session following an election we attempt to legislate in Congress with men who do not come fresh from the people representing their ideas in government.

Something has been said about the fact that this amendment will make it inconvenient in some way for Members of Congress. I understand that we are here to legislate, not for the interest of Members of Congress, but in the interest of the people of the United States; that the first consideration is not that which is going to be acceptable or convenient to Congress itself, but that which is going to be acceptable and of benefit to the public. In this amendment we simply provide that under our representative system of government, so far as Congress is concerned, it will be representative in the very best sense of the word by meeting as quickly as possible following an election to express the will of the people at that election. My colleague from Minnesota has said that he felt there should be a cooling-off process after men were elected to Congress. That is assuming that the people in electing these men on issues involved in the election were acting without full judgment and that they were electing men to Congress to represent them who could not represent the country properly if they immediately acted as their representatives. I do not know whether the Members of this Congress want to go back to the constituency that elected them and tell the people of that constituency that in the selection of their Representatives in Congress they did not use good judgment and it would be a good thing for the country if those Representatives did not meet until after a cooling-off period had taken place. This amendment will not make for a serious change in the Constitution, as the Government will continue to function if the change does not take place. It is a necessary change in the mechanics of our Government which we have found to be needed after long experience. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GIFFORD. Mr. Chairman, I would like to give notice to those who have asked for time and to whom it has been granted, that they must be here if they expect to use it. They do not all seem to be available for debate. I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, no doubt the House is ready for a vote on this amendment. It has been before the country for several years. The purpose of the proposed amendment simply brings the Constitution in keeping with the age in which we are living. That is all there is to it. I hardly believe that reference to the viewpoint of the framers of the Constitution in fixing a distant date for the convening of Congress has any bearing on the conditions which confront us to-day. It is possible, after the returns of an election are known, to come to the Capitol in a very few hours with the present means of communication and transportation. A great deal has been said about the cooling-off period, but, gentlemen, consider conditions under the present situation. We are elected in November and do not convene until 13 months later, the following December. We are hardly in session when the time runs right into the next primary and the next election. Instead of having a cooling-off process, we have a heating process. I put into the RECORD, when this matter was before us last, a list of several States that have their primary elections in the first few months of the first regular and long session under the present system.

All the proposed amendment will do is to have the elected Representatives of the people meet at a reasonable time following the election. I do not believe there is any real sound opposition that can be offered to this change in our Constitution. I am one who does not believe that our Constitution is so inflexible that it should not be amended. It necessarily must be amended to meet the requirements of new conditions and new times. Why, if the Constitution had not been amended we would still have slavery in this country. If the taxing powers of the Federal Government had not been enlarged by constitutional amendment we could not possibly finance the Government to-day. It is quite true that one of the amendments does not meet with my approval. I have, nevertheless, not lost confidence in our form of government, and believe the people can always correct a mistake by another amendment.

Gentlemen, that Constitution was adopted before electricity was known; before steam, before the railroads were in existence, before telegraph and cable and radio, and even before oil was discovered. You can not possibly adjust conditions of to-day to a fundamental law which was written in an another age entirely. As I said, I am not afraid of amending the Constitution. The Constitution must necessarily be amended as we go along. But this amendment is not a drastic change. It is no novel proposition. The country has been clamoring for it for years and years. No State legislature that is elected to-day convenes 13 months after the election. There is no use making anything mysterious about this. This question of the session following the election is not as important as the necessity of convening following that election within a reasonable time and not 13 months later, thereby running into the next congressional election.

Mr. KETCHAM. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. KETCHAM. As far as the cooling-off proposition is concerned, is it not the gentleman's experience that the House of Representatives contains, in practically every instance, four-fifths of the Members who have served a considerable time and that is a pretty fairly good cooling-off process of its own?

Mr. LAGUARDIA. I have heard of this cooling-off process applied to kindergartens, but not to a deliberate legislative body composed of responsible men and women.

Mr. KETCHAM. Has the gentleman ever known a time when a group of newly elected Representatives, amounting to one-fifth of the total, came in and stampeded the other four-fifths into doing something that should not be done?

Mr. LAGUARDIA. Not with the hard-boiled legislators in this House.

Mr. KETCHAM. It seems to me that is a good and sufficient answer to the cooling-off idea.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Chairman and my colleagues, I am conscious that I can contribute nothing new to this discussion. The gentleman from Minnesota [Mr. NOLAN] expressed my views better than I can express them. I simply take the floor to evidence and express my hearty approval of this legislation. To my mind it is a travesty upon popular government that, when the people elect a new Congress to carry out certain principles of Government, 13 months should elapse before those Congressmen are inducted into office. Over half of their term of office has expired. Under ordinary procedure the primaries for reelection come in the spring. A man has only been functioning for three or four months before he must again go before the electorate for reelection.

I do hope no amendment inserting a limitation as to the second session of Congress will be adopted. In my judgment, one of the evils that this amendment seeks to correct is to do away with the limitation by law as to the second session of Congress. We are now approaching the end of the second session of Congress, and there are many important pieces of legislation pending before the Congress that can not be finally acted upon before the 4th of March. They will die, and the whole procedure must be initiated in another Congress. If there was no limitation, Congress could remain in session two or three weeks longer and probably dispose of all of the important pieces of legislation that have been pending before it for months.

I am not going to trespass upon parliamentary law by making any reference to the other legislative body. I think it is clearly within the rules of the House for me to refer to something that a distinguished Senator said over a national hook-up on the radio. Last Saturday night my friend the distinguished Senator from Kentucky [Mr. BARKLEY] in discussing this amendment, called attention to the fact that when the second session of Congress ended by limitation of law a few Senators could hold out the threat of forcing an extra session of Congress by defeating appropriation bills unless particular legislation in which they were interested was acted upon before the 4th of March. Gentlemen, you know that is true. I do not believe that is conducive of good legislation or good government. Therefore, I hope when our distinguished Speaker shall offer an amendment to limit the time of the second session of Congress it will be defeated.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. JEFFERS. I yield one additional minute to the gentleman from Georgia.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CRISP. I yield.

Mr. JOHNSON of Washington. The gentleman from Georgia began his remarks politely and nicely with reference to a Senator speaking over the radio. The gentleman from Georgia does not think that if a Senator of the United States goes outside the Senate Chamber and makes a speech over a national hook-up his remarks are not entitled to be considered here or anywhere else?

Mr. CRISP. I perhaps expressed myself very poorly, but I expressly stated the Senator having made that statement over the radio I was at perfect liberty to refer to it. May I say in behalf of the Senate, the Senate is not asking to preserve to themselves the right to exercise the function of defeating legislation because the second session is limited by law, for the Senate has repeatedly passed this constitutional amendment eliminating any limitation as to the second session. The Senate is willing to give up that power. Shall the House insist upon them retaining it? [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. JEFFERS. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. GIFFORD. Mr. Speaker, I yield two additional minutes to the gentleman from Massachusetts.

Mr. CONNERY. Mr. Chairman, ladies and gentlemen of the committee, I am in favor of this proposed amendment of the Constitution. First, I will not say that any Member of Congress, so popularly referred to as a lame duck, ordinarily has done much harm in the so-called lame-duck sessions of Congress.

But I do feel that the American people, when they elect Representatives in Congress in November, do not wish their Representatives to be obliged to wait 13 months before having any voice in the legislation passed by the Congress. I have heard the arguments that we should have a cooling process; that there should be a certain period of time to allow flare-ups which developed in a campaign and prejudices that might have come up during a campaign to be dissipated and give the Congress a chance to cool down. I think that between November and January is plenty of time for the ordinary human being to cool down.

I have heard the statement that no legislation is passed in a short session of Congress which is bad; that usually we pass only the supply bills, and that no legislation has ever been passed in the short session which is bad for the people. Well, I think the gentleman from Texas [Mr. PATMAN] and I will disagree with that statement. We feel that one piece of legislation was just passed a few days ago which, if it had been considered in a new Congress, would have given the soldier full payment of the face value of his adjusted-service certificate, and that a new Congress would not have passed a bill which is going to give the soldier a chance to borrow 50 per cent of that value and then lose the rest of it because he has to pay 4½ per cent interest, compounded annually, which will eat up the rest of his policy when he can not pay back what he borrowed. That is merely one bill. As a general proposition, I do not think that much evil comes to the people because of bills which are passed by Congress in the so-called lame-duck session. I have heard my colleagues to-day mention different distinguished Members of this Congress and previous Congresses who were lame ducks, former Presidents of the United States, Speakers, and Members of the House. I do not think anybody is going to take issue with that. We do not feel that because a man is defeated for Congress that makes him any the worse Member. We do not feel that that shows him up in any bad light. A Member may vote ninety-nine times right in Congress, and the way his constituents want him to vote, and then vote once wrong and be defeated for Congress. It certainly is no discredit to a Member of Congress to be defeated for public office, but I do feel that the American people are dissatisfied with the present condition of the short session of Congress. This is a relic of the old days, when they had to take the stagecoaches and come in here from far-distant points. It took some Members a long time to get to Washington after election, but those days have gone by.

With your railroad facilities and now your airplanes a Member can arrive here in a day or two days, and even from California in two or three days. So that reason for meeting in March is eliminated. It is a question of whether a man should take office when he is elected to Congress in January

or take office in December. It is said that he takes office March 4, but only when the President calls a special session; in practice ordinarily a Congressman does not take office until December. In many cases, when the people have voted in November to send a man to Congress and have defeated another Member they have the idea in their minds that certain legislation will be passed in which they are interested and that certain things will be done by the new Congress. It is unfair to our constituents for a Congressman not to take his seat and have a voice in legislation until 13 months after his election. I intend to favor this resolution. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GIFFORD. Mr. Chairman, I yield five minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman and members of the committee, I am in a rather interesting position at this time, that of replying to an argument which I myself made three years ago when a similar measure was before the House. At that time I was in opposition to the proposal.

Mr. GIFFORD. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. GIFFORD. I want to call the attention of the committee to the fact that the gentleman from Montana [Mr. LEAVITT] has given this matter long and serious attention. He brought to our attention many of these very serious arguments, and I bespeak for him your great interest in what he might say at this time, because he was against the amendment before, but is now, I think, enthusiastically for it. At least, I hope so.

Mr. LEAVITT. I thank the gentleman. Three years ago I spoke in opposition to this proposal because I felt that the consideration which had been given to it, even though that consideration extended over a considerable period of years, had not been a sufficiently careful consideration, as it had to do with a number of important features in the amendment to the Constitution of the United States then proposed. I felt, for example, that since the RECORD showed that there had been up to that time 30 amendments and changes offered in the other body, many of them, after the proposal reached the floor, had been accepted without any particular amount of debate, the effort seeming to be to press through this proposal in any form. It seemed to me that it was not safe for us, without considerable additional study, to accept it and submit it to the people of this country as an amendment of the basic law of our Nation. I consequently proposed at that time, as the RECORD will show, that there be appointed a joint committee of the Senate and the House to make a study of the entire problem and see if it was not possible to present some form of a joint resolution to the Congress that could be considered in the Senate and in the House without the probability of bringing up amendments on the spur of the moment as we considered the weaknesses developing before us. I believed that there should be considered by that joint commission a list of questions which I listed, going to the fundamentals of this proposition, and a joint report brought back to the Congress.

That bill of mine was not considered in the Rules Committee and brought out, but in this House committee which has brought this present proposal to us to-day, then set itself to perform that very function. The House committee, headed by Mr. GIFFORD, set itself to perform that function in a careful and constructive way. It has held extended hearings and has carried on the study I then proposed should be had through a joint committee of the two Houses. This committee has brought to us now a much more carefully considered amendment, worthy to be offered to the people for their adoption or rejection.

I find myself now in this position. This longer consideration having been given, this studious attention having been turned to the proposal, we now have under consideration a proposed amendment to the Constitution that we can safely give to the States for the ratification of their legislatures. I can see many arguments favorable to this change in the Constitution.

From my own standpoint I did not consider when I was first elected to Congress that my duties began in 13 months. I began on the 4th of the next March after my election to study my duties here in Congress. I have a district that in area is as large as New York, Pennsylvania, and New Jersey combined, and I devoted all of the time between the beginning of my term until the convening of Congress to studying the needs of my district. I went all over it, and I think any Member of Congress can very constructively and helpfully devote the time between the beginning of his term and the convening of Congress to studying his district and in this way be of greater value to his constituents as a result of such study. No; it is not because a new Member can not go to work on the 4th of March that I am favoring this proposed amendment. It is because there has grown up in this Nation of ours a feeling that the Congress of the United States, composed of two bodies of direct representatives of our people, if it is to be as representative as it is supposed to be, while endowed with direct and fresh authority from the people, ought to go into operation legislatively sooner than has been the practice in the past. In my judgment, to do so will build up a greater degree of confidence in the representative quality of the legislative bodies of our Nation. Shortly after we are elected, we should come here and begin to function in performing the duties that the people generally consider we have been especially selected to perform. I have changed my position on this question for the reasons I have given, and I shall cast this afternoon my vote to submit this proposed amendment to the Constitution of the United States to the States of the Union for ratification. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, the last three years have caused me to change in just the other way from the change that we have found in our friend who has just spoken. I supported this proposition three years ago under the assumption that the people of the United States were demanding it.

I do not believe that 5 per cent of the people in any district in the United States care a continental whether we pass this proposal or not. I do not believe they are interested in it. We, who have our ears to the ground, know that it does not matter whether the control of the Congress is in the hands of Republicans or Democrats, the people of the United States want the Congress in session just as infrequently as possible, and for just as short a time as possible. [Applause.]

Why, every Member of this House who was elected last November becomes a Member of the Congress on the 4th of March. The duties that we render our constituents are not simply the duties that are performed upon this floor. They are duties that we perform as their Representative every hour and every day of our term of service, and there are duties that you perform as Representatives off of this floor that are of far more importance to your constituents than are the duties performed here. Every man and woman who has been elected becomes a Congressman on the 4th of March. They become the representatives of their respective districts. They begin functioning for the people whom they represent, and I am one of those, after three years' careful study of this proposition, who believe the Members who come here on March 4 should have time for readjustment, if they are new Members. They are leaving their vocations in life, assuming new duties, and they should have the few months that intervene between the November election and March 4 to study and acquaint themselves with their new duties, and I am one of those who believe that some of the most valuable and prominent Members of this House have, in their turn, been lame ducks on certain occasions. I have never been a lame duck myself, because my constituents have always reelected me whenever I have asked them to do it. A man who has given 20 years of his life in service here, after being unexpectedly defeated in the November election, should have a few months in which to readjust himself back into private life again.

It is a safeguard to the people for the trained, experienced Members to have charge of affairs here for a few months after each election.

They, too, should have time for readjustment before they go back into private life. Take the man who spends 30 years of his life in Congress—do you think you ought to shunt him out, put him back into private life immediately after election? It is not fair to him, it is not fair to his constituents, and it is not fair to the Congress nor to the people. I am one of those who believe that some of the most valuable services that are rendered here are rendered by lame ducks representing their people to the end of their term.

Mr. GIFFORD. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GIFFORD. Will the gentleman state what has changed his mind from three years ago?

Mr. BLANTON. There has not a single convincing argument been presented for a change in the Constitution, not one, and I have been trying to find one. I have been taught from childhood that we should never change the Constitution of a State or the Nation unless some good can come from it. I have been unable to see where any good can come from this proposed change. We do not need a change of the Constitution. Six of these propositions embraced in the resolution can be effected by legislation. We do not need to change the Constitution.

Mr. LEAVITT. Will the gentleman yield?

Mr. BLANTON. The speech that the gentleman from Montana made three years ago almost then persuaded me to vote against it, and I can not understand why he has changed, but I yield to him if he wants to excuse himself. [Laughter.]

Mr. LEAVITT. The gentleman from Texas has changed, so that there can be no fault found if I change——

Mr. BLANTON. The wise man has a right to change his mind.

Mr. LEAVITT. Does not the gentleman recall that in my speech I made the same statement that the gentleman from Texas has now made, that we could do all of these things by legislation?

Mr. BLANTON. Yes; and it is unanswerable.

Mr. LEAVITT. And immediately after we had failed to present this amendment to the people various bills were introduced to do the thing he refers to but not one of them came out of the committee.

Mr. BLANTON. That is our fault; but on the 4th day of March the new Congressman can come to Washington and have charge of his office, assume the functions of his duties, and represent his people in every department of the Government, and every department will recognize the new Congressman, and he can demand the rights of his people. He can represent them in every department, he can look after their rights. If Congress is called to legislate on March 5, he is immediately a legislator on the floor; and it will take him from November to March to learn the manual and rules so that he can operate, and without which he can not do much.

Mr. JEFFERS. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, for many years I have advocated the passage of this legislation, the purpose of which is to eliminate what is commonly called the lame-duck session of Congress. This House resolution goes further than the original Norris resolution, and is preferable, in my judgment, to the Senate resolution.

The measure we are now considering, in sections 2 and 3, makes provisions in case of the death of the President elect and the Vice President elect, or in case the President should fail to qualify. Provision is also made in the event an election of the President should be thrown in the House, or the election of the Vice President to the Senate.

Mr. Chairman, I was somewhat surprised to hear the gentleman from Texas [Mr. BLANTON] give his reasons or excuses why he is opposed to this legislation. He is usually progressive, and I am glad to say I usually find myself voting with him. I was interested in the statement of the gentleman from Texas that we should not change the Constitution without good reason, to which I heartily agree; but I can not see the force of his argument that there is no real reason for this legislation.

May I say to my friend from Texas that the present Congress offers sufficient argument, in my opinion, why the lame-duck session should be forever eliminated. I do not mean to cast aspersion on the fifty-odd so-called lame ducks in the present session who were deafeted at the polls last November. Many of them are my personal friends. The fact remains, however, that they were repudiated at the polls. They were repudiated almost without exception because they had become indifferent to the wishes of the people they were elected to represent. Many of them, for example, supported a high tariff bill that was lobbied and logrolled through Congress—the most outrageous and unreasonably special-privileged measure ever enacted. Then the people spoke in no uncertain tones. More than 50 Members of this House were defeated. Yet they are here legislating nearly four months after being defeated, and their successors will not have the opportunity to be sworn in until next December—13 months after their election to Congress.

There may have been ample reason for the present custom before the days of railroads, but the stage-coach day has passed. A long-suffering public has demanded this proposed reform, and if this session ends without the passage of the pending measure it would be a travesty——

Mr. RAGON. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes; I yield with pleasure to the distinguished gentleman from Arkansas.

Mr. RAGON. What reaction does the gentleman have as to the proposed amendment to be offered by the Speaker?

Mr. JOHNSON of Oklahoma. In reply I will say that I have not seen the amendment that our distinguished Speaker proposes to offer, but if I am correctly advised it will limit the second session to four months—from January 4 to May 4—on the theory that the Congress and the country need a breathing spell. While I admit the force of the argument, especially that the country needs a breathing spell, I feel that Congress should not be hamstrung by any limitation that would permit defeat of wise legislation or tend to cause the passage of ill-considered legislation. We are trying to get away from a "lame-duck" session. It occurs to me we should hesitate to limit the deliberations of either session of Congress.

Another reason why I shall oppose the Longworth amendment is for the reason that I am fearful its incorporation into the pending measure so near the close of the session might have the effect of killing the bill. I am fearful, judging from what leaders on both sides of this aisle say, that it will at least endanger final passage.

But the thought I desire to leave with you is, let us pass this resolution now with or without amendments and with no further delay. It is progressive, constructive, and needed legislation. It is legislation that our people want, and have every reason to demand. It is a mighty forward step in the history of this great Republic. Shall we take that step to-day?

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Chairman, ladies and gentlemen of the committee, I am usually in accord with my distinguished colleague who comes from my State [Mr. BLANTON], who has just spoken, but I find myself to-day unable to subscribe to the conclusions he reaches. I differ from him in this respect: He thinks there has been no valid reason why this resolution should be adopted, while I think there has been no valid reason why it should not be adopted. I think this measure is one that should appeal to the House.

It is a type of legislation that differs in several respects from other measures we have had passed upon at this session. In the first place, it is one of the few pieces of legislation that we have considered whose destination is not the

Treasury of the United States. In the second place, it is sponsored by those who seek no pecuniary gain. There is no organized propaganda in its favor. Those who advocate it are actuated alone by the conviction that it is for the common good and the general welfare. There is no selfishness involved. In the third place, I am interested in it because it deals not with a statutory law for to-day or to-morrow but with an amendment to the organic law to last throughout the years to come, because constitutional amendments when once adopted, we have observed, endure for a century or more.

This resolution is a proposed amendment to the Constitution to be submitted to the States for adoption. Its effect would be that Members of Congress would begin their legislative functions within about 2 months after their election instead of 13 months, as is now the case. Furthermore, it would abolish what is popularly known as the lame-duck session of Congress, so that all sessions of Congress convening after congressional elections would not have in its membership those who were not elected at the last preceding election.

Under existing law the terms of Members of Congress begin on March 4 subsequent to their election, but there is no session of Congress until 13 months after their election. Furthermore, the short session of Congress is now composed of the old Congress rather than the newly elected one.

Another defect in the present law is that if the Electoral College should fail to select a President, then that duty would devolve upon the House of Representatives, and Members of the House who had been defeated in the preceding November election would, subsequent to their defeat, select the President of the United States.

It appears, therefore, that there are three outstanding reasons why this change should be made:

First. Congress should convene sooner than 13 months after the congressional election.

Second. Any session of Congress convening after the congressional election should be composed of those chosen at such election.

Third. In case of a failure of the Electoral College to select a President and Vice President, the choice of these officials should be made by the incoming Congress, instead of the outgoing Congress. The Congress that selects the President and Vice President should be a Congress whose membership was selected by the people at the same time the President and Vice President were voted upon.

We boast in America of our efficiency and alacrity in doing things, and yet ours is the only Government in the world that has this long period of marking time before its legislative body begins its work.

In England the Parliament usually convenes in two or three weeks after election. In Canada there is no definite time fixed by law, but the time has generally been short, in analogy to conditions prevailing in England. In France, the Chamber of Deputies, in case of prorogation and a new election, must convene within 10 days following the close of the elections.

The German constitution of August, 1919, provides that the Reichstag shall assemble for the first meeting not later than 30 days after the election.

In Hungary the date of assembling is within six weeks; in Australia 30 days after the day fixed for the return of the writs of elections; in Brazil the elections are held on the first Sunday in February, except that when they occur in the same year with elections for President and Vice President they are to be held on the 1st of March, and the Congress must assemble May 1. In the first case there is an interval of three months, and in the second two months. In Argentina the elections take place on the first Sunday in March, and the constitution requires the Congress to meet on May 1, an interval of two months. In the Netherlands the States-General must assemble within three months. The Polish Parliament must convene on the third Tuesday after election.

You will observe that the other leading governments of the world have only from 30 to 90 days after the election before their legislative body convenes. It is unthinkable that in the great Republic of the United States, where we boast of our representative Government and our ability to achieve and accomplish things in much shorter time than any other nation on earth, there should be an enforced intermission of 13 months after the National Congress is elected before it is permitted to begin its labors.

The term of the Members of the House is for two years, which begins on March 4. The chief purpose for which these Members are chosen is to exercise legislative functions as Members of Congress. Under existing law three-eighths, or nearly one-half, of the term has expired before they begin the exercise of such duties.

It has been said that this change can be made by statute rather than by change in the Constitution. At the beginning of this session of Congress I made some remarks in the House in which I undertook to discuss the impracticability of making this change by statute rather than by constitutional amendment. The distinguished gentleman from Wisconsin [Mr. STAFFORD] introduced a bill seeking to do that. I read and analyzed his bill very carefully. He did it as well as it could be done by statutory enactment. But here, to my mind, are the objections that prevail against trying to do it by statute rather than by constitutional amendment. Let us first stop to look at the purposes sought to be accomplished by the change. They are two. One is that Congress shall convene sooner than 13 months after the election. The other is that no session of Congress shall be held after the election which is composed of the old rather than the new Congress. In order to obviate that, the gentleman from Wisconsin, in the bill which he introduced, had the sessions alternate. If the term begins and ends on March 4, if we eliminate the lame-duck session we will have to have one of these sessions convene subsequent to March 4. That is what the gentleman did in his bill.

Mr. STAFFORD. My provision was that the short session of Congress should convene immediately on March 6, that would run until say June, and then the long session would begin on the second Monday in November, and continue until the last Friday in October following, so as to do away with the lame-duck session.

Mr. JOHNSON of Texas. There would be a session after March 4 which would mean that that session would extend into the summer months, and those of us who have been here in the summer know that the climate here is not conducive to good legislation.

Mr. STAFFORD. It would extend not later than the middle of June, giving four months for the consideration of appropriation bills.

Mr. JOHNSON of Texas. I am opposed to limiting the length of the session by constitutional provision. The other session would convene prior to that, and if you have them alternating, one before March 4 and one after March 4, the practical effect is going to be that one session is going to run into the other, or there will be a short intervening space of time between the two sessions.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. BLANTON. If we ever pass this amendment I predict that this Congress will be in session nine months every year. Does the gentleman think that the people of the country want that situation, regardless of which party is in power?

Mr. JOHNSON of Texas. I think there is room for argument with referenee to whether or not there should be a limitation on one of the sessions of Congress. I can see reasons pro and con. But if there is to be a limitation as to the length of the session, this is a detail that should be prescribed by statute rather than by the Constitution.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. WILLIAM E. HULL. Does the gentleman believe that if we change this thing so that we are going to have our sessions as he just states, that we could keep anybody here during the months of July and August?

Mr. JOHNSON of Texas. No; I do not think so. I think Congress would adjourn. I think the gentleman answers his own question. You would not have to limit the session, because the Members will want to go home, and they will end the session by adjournment within a reasonable time.

Mr. WILLIAM E. HULL. But say you do hold them in session, you could not keep a corporal's guard here, and everybody knows it.

Mr. BLANTON. But the gentleman has seen us here in July and August and September and October.

Mr. JOHNSON of Texas. During my service the long session has never adjourned later than July. I do not think it is wise to restrict the length of a session by the Constitution. That could be done by statute if deemed desirable. But I have not given you my other reason why I think it can not be done by statute. It can not be effectively done if the Constitution is left as it is now, for under the terms of the Constitution as now written the old Congress and not the new Congress would elect the President of the United States if the election of the Presidency should be thrown into the House.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GIFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Chairman, ladies and gentlemen of the committee, I think it is extremely unfortunate that the discussion of this legislation goes off, very largely, on what seems to me to be a wrong issue. A great deal of the debate this afternoon, as I have listened to it, has been along the line of whether or not the so-called lame-duck session of Congress does efficient work. I think the reason for that is that the newspapers, in commenting on this amendment, have universally described it as the lame-duck amendment, so that the issue has been defined wrongly, namely, as to whether or not we should allow men to come back to Congress who have been defeated. The issue has gone along the lines of whether or not men in coming back to Congress after they have been defeated, have done good and efficient work. That is not the real issue involved in this legislation. To make the statement is to answer it. We all know that men who come here after they have been defeated, or if they are retiring voluntarily, as I am myself, come back here imbued with just as conscientious motives to do their work in behalf of their country and their constituency as if they had been reelected or were coming back in the succeeding Congress. I think nobody in this House can claim for a moment that a lame-duck session, so called, has proved that the men who have failed of reelection have not performed their full duty to the utmost.

Another argument which is made is the old argument that we need time for cooling off. Some of our leaders in the House seem to be much impressed by that time-honored, stock argument that the 13 months which elapse between election and the time a man takes his seat is necessary as a cooling-off process. We all know it is a pure accident that the period between the date of a Member's election and the time he takes his seat happens to be exactly 13 months. We all know the reasons why the framers of the Constitution put it in. It was because they were dealing with old stage-coach conditions, and we all know that simply because it happens to be in the Constitution is no reason why the Constitution should not be changed if there is real reason to change it. The Constitution is not infallible. The framers of the Constitution thought the finest thing they created in that whole document was the Electoral College—the presidential electorate—but in 1803 they had to come back with the twelfth amendment changing it. If the framers of our Constitution were here to-day and realized our modern methods of transportation, and that the situation was entirely changed from the old stage-coach days, they would not hesitate a moment to support this amendment. So I say the cooling-off process has absolutely no weight.

Then, the argument is also made along the same line that we need this cooling-off time because we need those men to come back in the lame-duck session who have had experience in legislation in order that we may have the stability and balance that is given by those men who have served in Congress, and to preserve the equilibrium and the balance of sound legislation. How many men in any Congress are defeated? In the Congress in which I came in—in 1924—there were 69 new Members. That is about one-sixth, and that was considered a very large change in the membership. If you will look back over the records, you will find that in no case has there ever been a change in the personnel of the membership of more than one-fifth or one-quarter at the most. So that old Members are remaining to preserve the balance and give stability in the enactment of legislation.

The real issue in this entire legislation, which it seems to me has been lost sight of in the discussion, is how soon after the people have spoken do you want to give expression to their judgment? We all believe in a democracy. We say we believe in doing what the people may decide and we want to follow their instructions as expressed in any particular election. If we believe that, then the question is how soon after they have spoken on any great fundamental issue are we going to give expression to those sentiments as expressed?

Mr. MONTAGUE. Will the gentleman yield?

Mr. STOBBS. I yield.

Mr. MONTAGUE. If that be the issue, and I concede to the gentleman that is thought to be the great object, why is it so unanimously thought by everybody, in Government and out of Government, that we do not wish this speedy and fresh expression of the Congress that has recently been elected? It is apparent that all wish the recently elected Congress to keep away from here as long as possible.

Mr. STOBBS. I think the answer to my friend from Virginia is simply this: I have heard that expression on all sides, but the very people who make that statement privately would not dare do so publicly. If we believe in democracy and we believe in government by the people, we believe that the Representatives sent here by the people are competent to legislate for the American people and for the American Government. It is absolutely a travesty on democracy for any man in this House to say that he wants this amendment defeated because he does not dare trust a new Congress to convene until several months have elapsed. I say that is a travesty. To make the statement is to give the answer to it.

Now, if the people have expressed themselves on any one great fundamental issue they have the right to have that issue put into effect as soon as possible. Thirteen months is too long a time to elapse after the people have spoken. In Great Britain only three weeks elapses after Parliament dissolves before an election is held. I do not for a minute compare our system of government with Great Britain, because it is an entirely different proposition. There you are dealing with a system of responsible ministries. But in England they have three weeks to discuss great issues of fact before the people and then let the people decide. In this country we have an election lasting four or five months, and during that time the people have a chance to study and discuss and hear the issues discussed and make up their minds.

Mr. GIFFORD. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. STOBBS. When we say the people are not to be trusted after four months of a campaign and after having expressed their minds on any particular issue I say we are not true lovers of democracy.

Now, just one other thought. Did you ever stop to realize how this amendment is going to work out so far as the election of a President is concerned, especially when there has been no majority in the Electoral College? Under the present régime you may have the election of a President of the United States thrown into Congress with the opposite party in power. If you adopt this amendment the Congress that will elect a President of the United States is the Congress which has been elected by the people in the same election in which the President was elected. If there was no other argument for this legislation than this, in my opinion,

the legislation would be justified. I say that all you true lovers of Thomas Jefferson and all of you men who believe in the Jeffersonian theory of government—and I personally believe in it from the bottom of my heart—should make it possible by your votes for the people of this country to give expression to their sentiments on any great issue of the day through the convening of a session of Congress containing the newly elected Representatives as speedily as possible after election. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. JEFFERS. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman and members of the committee, I do not think you need any better argument for supporting this legislation than just exactly what is occurring here to-day. If the Members elect of the Seventy-second Congress were in this Chamber to-day you would not be considering House Resolution 292 but you would be considering the resolution that passed the Senate known as the Norris resolution. You might amend it, but you would not be discourteous to the Senate as you are to-day, by considering a House resolution when the Senate passed upon this question long ago and sent the resolution to the House. You are doing nothing here to-day but defeating this legislation if you pass the House resolution. The proper procedure, as an act of courtesy to the Senate, was to substitute whatever language you desired for the Norris resolution, bring it in on this floor, and let the Members of this House say whether they wanted to support the Norris resolution or whether they wanted to support the substitute. I hope in the end this resolution is voted upon as a substitute to the Norris resolution. I make the prediction now, that if this question is not submitted to the States at this time it will be sent to the States by the Seventy-second Congress. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Mr. Chairman, ladies and gentlemen of the committee, I remember that when the House and Senate were first formed they said the House of Representatives was like a cup into which the coffee was poured hot, and that the Senate was like the saucer in which it cooled off. Now time has changed that and the saucer has been filled with tabasco sauce, dynamite, and gasoline, and the only cool body left is the cup, or the House of Representatives. I think the only objection that could be made to the passage of this resolution would be the peril that the House of Representatives might be afflicted with some of the emotions, mercurial and volatile, hysterical and investigational that the other House is now suffering from. That would be the only sound objection. Of course, when we come fresh from the people we will be a little redder, a little more heated, but I dare say that even at that we will still be the only sound, sane, and dignified body in this Government.

There is one thing about this resolution that I am not exactly clear about. Suppose this went into effect right after a presidential election? I would like to know who would count the electoral vote. Would the old Congress count it or the new? It is not clear in my mind that this makes provision for that point. Let me say this to my beloved friends on the other side: I think you are all fine gentlemen, but if we ever enter into a controversy over a presidential election we will not think so much of each other, and it is to prevent a friendly murder that I ask the chairman or one of his able assistants, like the gentleman from Montana [Mr. LEAVITT] to answer that inquiry.

Mr. LEAVITT. Under this proposed amendment the term of the new Congress will begin the 4th of January and the term of the new President will begin the 24th of January.

Mr. OLIVER of New York. Yes; but let me say to the gentleman that when you provide for the new term of Congress on the 4th of January, you have not wiped out the short session of the old Congress as provided for in the Constitution, which under the law now would count the electoral votes. You would have the old Congress contesting with the new for that right, and maybe in that contest you will have sown the seed of revolution in this country.

Mr. LEAVITT. The gentleman has made a very strong argument for the proposal that is soon to be offered, I understand, that there is to be a limit set on that particular session of the old Congress so that it will not be in session after the election.

Mr. OLIVER of New York. But that is simply a proposal, and who is going to bring it in here?

Mr. LEAVITT. I am sure it will be offered in due time.

Mr. OLIVER of New York. I would like to know from the chairman or from some one who is going to offer it and in what form it will be offered.

Mr. GIFFORD. I will say to the gentleman that the amendment will be offered later, as was told by the leader of the House, probably by the Speaker of the House.

Mr. OLIVER of New York. Yes; but I did not understand that that amendment would contain a provision eliminating the short session of Congress in the event this proposed amendment took effect in a presidential election year.

Mr. GIFFORD. If the gentleman will permit, I would like to answer the first question he propounded. It is impossible to know when this proposed amendment may be ratified, and because eight or nine acts of the Congress must be enacted into law after the amendment is adopted we had to make it take effect a year after the year in which it is ratified.

Mr. OLIVER of New York. But even that, Mr. Chairman, does not answer my question. We can now provide that if this proposed amendment takes effect in a presidential election year, there shall be no short term of Congress in that year or that such short-term Congress shall not count the electoral vote. This is plain language and we can put it in here and in this way provide for any emergency.

Mr. GIFFORD. Mr. Chairman, I yield two minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman and members of the committee, answering the strictures of the gentleman from Missouri charging that we the committee were showing disrespect to the Senate, and answering what he has said from the depths of his misinformation, I desire to say that the resolution involving practically only the lame-duck feature, and not the constructive part, has been coming from the other body for about 10 or 12 years, and yet the hearings they have had upon that resolution amount to practically nothing. The committee that brought out this resolution had long hearings, 130 pages, and no one representing the other body, the author or anybody else from the other body, appeared at these hearings or showed the least interest in them.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. SLOAN. Yes.

Mr. COCHRAN of Missouri. Is it customary for Members of the other body to come over here and appear before House Committees?

Mr. SLOAN. It certainly is if they are interested in the matter under consideration. Their marked absence marks their absence of interest.

Mr. COCHRAN of Missouri. Will the gentleman yield further?

Mr. SLOAN. Yes.

Mr. COCHRAN of Missouri. Does not the gentleman from Nebraska feel that no matter what changes may have been made, they should have been made as amendments to the Senate resolution and not brought here on the floor in a new resolution?

Mr. SLOAN. I do not feel so because authorship and other factors give weight or strength to a proposition, and we wanted to bring in a proposition without hobbles on it, so the House would adopt it. [Laughter and applause.]

Mr. COCHRAN of Missouri. I may say to the gentleman that that is just the trouble here to-day. Authorship is having too much weight in the consideration of this matter by this body.

Mr. SLOAN. No; it is the legislation itself.

Mr. COCHRAN of Missouri. The author of the original resolution was Senator NORRIS. Any constructive legislation he advances always has hard sledding.

Mr. SLOAN. And the gentleman knows that if that resolution stood alone it would not receive a majority, to say nothing about a two-thirds vote of this House. We are not responsible for the hard sledding and are not interested therein. We desire to accomplish results. Some careers are based upon accomplishments, while in others accomplishments destroy or terminate careers.

Mr. JEFFERS. Mr. Chairman, at this time I would like to ask unanimous consent that all Members may have permission to extend their own remarks in the RECORD on this subject.

The CHAIRMAN. The Chair can not entertain that request, because it must be made in the House.

Mr. JEFFERS. Then, Mr. Chairman, I ask unanimous consent that all Members who speak on this measure in committee may have permission to revise and extend their remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman and members of the committee, I am very strongly in favor of this resolution, but I am not for some of the reasons that I have heard discussed here. I am not afraid of any so-called lame-duck Congress, because any man or woman who is fit to be a Representative in the great Congress of the United States is almost always a patriotic legislator and can be trusted either before defeat or after.

I do not feel it is necessary for Members of Congress to have any additional time to cool off. I believe the average membership of this Congress is patriotic and can be trusted; but I am for this measure because, as has been expressed by several gentlemen who have spoken here, it is necessary to meet the changes of the age in which we live.

I think there is no question about it, if the framers of the Constitution were here to-day and could place themselves in our position, with responsibility to speak and vote on this question to-day, two-thirds or more of them would vote for a resolution similar to this.

I believe that it is a necessary move to meet the changes which have come upon us with all the modern modes of travel and communication. Then I believe also that it is more democratic for the people who meet at the polls every two years to have their chosen Representatives to meet to legislate in their interest. I am right opposite the gentleman from Texas [Mr. BLANTON], who, if I understood him, intimated that he had not heard a single logical argument for this amendment. I say that I have not heard what seems to me to be a logical argument against the submission of this amendment.

Mr. COLE. Will the gentleman yield?

Mr. PATTERSON. I yield to the gentleman from Iowa.

Mr. COLE. Will the gentleman enlighten the House as to what the verdict was in the last election and what he would do?

Mr. PATTERSON. I do not think any man can completely interpret the complete verdict of a people in an election like we had last fall, for there are so many local and other conditions entering, and I certainly would not assume in my humble capacity to interpret that vote, but I do believe we might come to a time under our system when the people would speak in unmistakable terms that could be interpreted.

Many excellent gentlemen and legislators are eliminated in the primaries, perhaps some of them the best men in the House. They are called lame ducks, but I do not believe that is a proper term. It is nothing against a man to have been defeated in Congress; many here to-day will be defeated in the future, and, so far as I know, if I live two years longer I may be in the same condition. Those things are for our people to determine, as they should be. But I hope this House passes this amendment to-day and submits it to the legislatures of the States for their action.

Mr. JEFFERS. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman, I desire at this time for the purpose of getting some information from the chairman of the committee in regard to the point raised by the gentleman from New York [Mr. OLIVER]. He propounded a question some time ago as to who is to count the presidential vote—the incoming or the outgoing Congress. The answer of the chairman, as I understood him, was to the effect that some amendment is to be proposed which would clarify that situation. What I would like to know is what is the effect of the amendment to be proposed with reference to that question propounded by Mr. OLIVER.

Mr. GIFFORD. We do not know the year when the amendment would be ratified. This will take effect the year after the year it is ratified, so as to give time for Congress——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JEFFERS. I yield the gentleman two minutes more.

Mr. GIFFORD. Whatever the year it may be ratified some time thereafter will be needed for Congress to pass legislation to conform with it, and that particular President would be elected by the new Members of Congress. That is why we made it one year after the year of its ratification.

Mr. SUMNERS of Texas. I believe I have not made myself clear. What I want to know, Is the committee satisfied that the language of the proposed amendment as now presented free from confusion as to who is to count the votes for President?

Mr. GIFFORD. Yes.

Mr. LEAVITT. If I might be permitted, I think I might answer that question from the manual. The Constitution says:

> The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.
>
> * * * * * * *
>
> The time for choosing electors has been fixed on "the Tuesday next after the first Monday in November, in every fourth year"; and the electors in each State "meet and give in their votes on the first Wednesday"——

Mr. SUMNERS of Texas. Will not the gentleman make a statement, instead of reading? My time is running.

Somebody from the committee ought to take the floor and clarify this question that has just been raised.

Mr. GIFFORD. The committee has no doubt whatever that after the ratification of this amendment the incoming Congress will count the vote for President.

Mr. LEAVITT. I would like to complete this paragraph, because what I have already said will have no meaning if I do not:

> The time for choosing electors has been fixed "on the Tuesday next after the first Monday in November in every fourth year"; and the electors in each State "meet and give in their votes on the first Wednesday in January following their appointment, at such place in each State as the legislature of such State shall direct."

Where they meet in the first Wednesday in January, would not that throw the choosing of a President over into the time of the new Congress, which is to convene on the 4th of January under this proposed amendment?

Mr. STAFFORD. I assume from my reading of the proposed amendment that the reason why the inauguration is postponed until the 24th of January, with the assembling of Congress on the 4th of January, is for the express purpose of providing time for the Congress to pass upon the electoral vote. If we adopt this amendment, then Congress will provide the machinery for the new vote, to count the electoral vote. That is the purpose of putting off the inauguration for three weeks after the time the Congress assembles.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GIFFORD. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. GUYER].

Mr. GUYER. Mr. Chairman, I do not rise to pronounce a eulogy upon the "lame duck." Rather I would congratulate him. But my object is to say a word in behalf of the first martyr of the Republic. It has been said on this floor this afternoon that Alexander Hamilton had only a negligible part in the writing of our Constitution; that his views were so contrary to the sentiment of the majority of the members of the convention that he attempted to exercise no influence in framing that immortal document; that Alexander Hamilton had but little to do with determining the theory on which our institutions should be reared, and practically nothing to do with the details of the Constitution; and that the convention rejected the plan and theory he advocated.

My good friend and neighbor, the gentleman from Missouri [Mr. LOZIER], fell into an all too prevalent inclination to deny to one of the most unselfish patriots and without doubt the most constructive statesman of his time—and it was an age of Titans—the just tribute that this Republic owes to the genius who not only had a most potent influence in the framing of our Constitution, but whose supreme administrative endowment above all others launched the Government under that instrument upon the stormy and uncharted sea of national existence. That Constitution then and now reflects his primal idea of a republic rather than a democracy, a republic forged from a union of States under the dominant supremacy of the Constitution.

Was his part negligible in the writing of the Constitution? John Clark Ridpath says that Hamilton wrote the preamble to the Constitution. That is the greatest sentence in all the literature of liberty, every eloquent and potent phrase of it like a polished pillar in the temple of liberty.

Guizot, one of the greatest historians and political philosophers of the nineteenth century, said that there was not "in the Constitution an element of order, strength, or durability to the introduction and adoption of which he did not powerfully contribute."

Is it conceivable that this versatile and fascinating personality, with all the enthusiasm of precocious youth, confident and audacious, with all his superlative gifts of logic, reasoning, and eloquence, could mingle in such intimate association and have only a negligible influence upon the thought and action of the members of that convention? Jefferson always blamed Hamilton for duping that great pillar of democracy into the pious undertaking of the national assumption of the Revolutionary debts, by which our credit was established. It required no merely ordinary persuasive power to lead Thomas Jefferson against his inclination.

Randolph, who was familiar with contemporary history, with his sharp tongue, testified to the power of Hamilton's captivating personality when he said, "James Madison was the mistress of two great men—first of Alexander Hamilton and then of Thomas Jefferson." We know the friendship that existed between Madison and Hamilton and of their collaboration in securing the ratification of the Constitution and of their coauthorship of the Federalist, more than half of which Hamilton wrote, a work which to this day remains the profoundest exposition of the Constitution and the greatest treatise on human government ever penned by the hand of man. Who can believe that this master author of the Federalist could have had only a negligible part in the writing of the Constitution? Did that convention "reject the plan and theory he advocated"? When adopted it was a Hamiltonian Constitution, and in its interpretation it has steadily become more and more a Hamiltonian Constitution. As a great Democrat said recently, "We talk Jefferson, but we keep on voting Hamilton."

I am aware that the gentleman from Pennsylvania [Mr. BECK] has said of Hamilton in his admirable work, The Constitution of the United States, "apparently his one contribution to the details of the convention was the Electoral College, and this was its worst folly and has proved its greatest failure." No doubt the gentleman from Pennsylvania means that it was a failure merely in that the Electoral College did not function as it was intended, surely not in the men who were chosen through its instrumentality, however modified in the details of its administration. Under it it seems to have produced some fairly good Presidents, and in the end it, like other human institutions, should be judged by its fruits and not by the technical change in its form of action.

The same eloquent and learned gentleman has given Washington great credit for aiding in formulating the Constitution, and very properly so, saying:

> Without his influence it would never have been formulated by the convention or ratified by the States.

This is unquestionably true, yet Washington in all the deliberations of that convention said only this in opening them:

> It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and just can repair. The event is in the hand of God.

No doubt the best speech that was made, but it related in no way to the text of the Constitution, and in the discussions of the convention he was a model president, saying nothing about the subjects in controversy. But who can doubt his expressions of wisdom to Doctor Franklin and to his young military secretary, Alexander Hamilton, the only man on whom he ever deigned to lean.

If Washington with all his diffidence was indispensable, what shall we say of the influence of Hamilton with mind as quick as an electric flash and a natural love of controversy? Silent for a long time after the convention convened, at least in its open deliberations, on account of the fact that the other two New York delegates, Mr. Yates and Mr. Lansing, were ardent State-rights advocates, he spoke only when Mr. Patterson, of New Jersey, presented the "New Jersey plan," which proposed to retain the Continental Congress under revised Articles of Confederation with the monstrosity of a 2-headed President, a dual Executive. Hamilton could no longer hold his peace, and in a 6-hour speech sounded the death knell of an impotent and weak government, and nationalism sprung to life like Minerva, full grown, from the brain of Jupiter. At that moment a vast majority of the people favored the "New Jersey plan"—a weak government rather than a strong one. It took the devastating logic of the Federalist to shake them loose from that conclusion.

Careless and ignorant partisans have said Hamilton favored a monarchy, and even the gentleman from Pennsylvania [Mr. BECK], in his work on the Constitution, says that Hamilton favored "an elective monarchy." Why not let the master, Hamilton, speak for himself?

> The idea of introducing a monarchy or aristocracy into this country * * * is one of those visionary things that none but a madman could meditate.

He never advocated either unless he was a blatant demigogue or a Mephistophelean hypocrite. He advocated a representative government with ample powers, such as we have, and it was the kind of government he favored or he would not have written the Federalist papers.

A great historian of a later age tells us how Hamilton touched our destiny in a supreme crisis, a crisis such as Lincoln had in mind when in his lucid diction he said that it was to be determined "whether any nation not too strong for the liberties of the people could yet be strong enough to maintain itself in a great emergency." This eloquent author refers to such an emergency:

> When Daniel Webster poured out the flood of his tremendous argument he was only the living oracle of the dead Hamilton. Every syllogism of that immortal plea can be reduced to a Hamiltonian maxim. When the "Little Giant of the Northwest" blundered across the political stage with his feet entangled in the meshes of "squatter sovereignty" he stumbled and fell among the very complications and pitfalls which Hamilton's prescience had revealed and would have obliterated. When the immortal Lincoln put out his great hand in the shadows of doubt and agony and groped and groped to touch some pillar of support it was the hand of the dead Hamilton that he clasped in the darkness. When, on the afternoon of July 3, 1863, Pickett's Virginians went on their awful charge up the slopes of Gettysburg they met among the jagged rocks the invincible lines of blue who were to rise

victorious or never rise at all. But it was not Meade who commanded them, nor Sickles, nor Hancock, nor Lincoln. Behind those dauntless and heroic lines, rising like a shadow in the battle smoke, stood the figure of Alexander Hamilton. When the grim-visaged and iron-hearted Lee offered the hilt of his sword to the "Silent Man of Galena" it was the spirit of disruptive and destructive democracy doing obeisance to Hamilton.

Mr. GIFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Chairman, my approval of the pending resolution springs from the experience of 12 years in the House and from what study I have been able to give to the legislative systems both of this country and of the rest of the civilized world. From observation, from experience, from study, I have come to the conclusion that however admirable the Congress of the United States is in many respects, it falls woefully short in matters of time-saving efficiency. Gentlemen hitherto in discussing this matter have addressed themselves largely to the principles involved, and with the arguments advanced in favor of the resolution on that ground I heartily concur. I, too, am of the belief that it is a travesty on the representative system of government to have a Congress sit here after the credentials of a part of its membership have been in effect withdrawn. It seems to me a travesty upon our political theories to have an incoming President chosen by a body quickly to be replaced, and perhaps of a political faith adverse to that of the majority of the electorate as shown by the election just held. But, most of all, I object to the present archaic, inefficient schedule under which we conduct our work.

Without addressing myself further to questions of principle, let me call attention to some of the details that have been brought in issue and first try to answer some specific objections. In the debate three years ago it was manifest that the mind of the House became befogged by minor questions, sometimes almost trivial, always confusing. But for the same criticisms which have already been brought out here to-day or will doubtless be brought out in the course of reading for amendment, success would now be assured as it came so near being assured three years ago.

Let me bring you back, if possible, to the resolution itself, by pointing out the weakness of some of the suggestions made.

With all due respect to my good friend from Texas [Mr. SUMNERS] I would point out to him that, while it is true under this resolution we may abandon the power to convene ourselves through seven or eight months of every second year, we already are deprived of that power through the nine months before the first session by the fact that we can not convene until the 1st of December unless the President sees fit to call us together. While I myself would deplore any lessening of the power of Congress, I welcome at least one month more of reliance upon our own judgment.

To my friend from New York [Mr. O'CONNOR] I would express my condolences that he made his remarks about the question of ratification by conventions without having heard from the Supreme Court at the other end of the corridor, which but an hour or two before had blown sky high all this fairy structure of casuistries about what the Constitution of the United States means. Once more the Supreme Court of the United States has declared the words of the Constitution mean what they say. Had the gentleman known that fact, perhaps he would not have advanced the contention in his argument.

But chiefly I would address myself to my good friend from Connecticut [Mr. TILSON], for whom I have a high regard, and with whom I ordinarily agree. The gentleman has put forward what, in the minds of many, is the most serious argument in this whole matter. He has said we can fix this thing now if we want to, by legislation. He would have the life of Congress shortened by four months. Of course, we could not regain those four months in the fall when the campaigns are on, and no one would expect to regain those four months in the heat of summer. They would be regained by going right on after the 4th of March. If you want an answer to his argument, look around you and see what is the state of affairs at the present moment. See what will happen next week. Ask whether this House is efficient under the archaic system now prevailing. Ask if it is not wise to try to accomplish something for the better.

I find that on yesterday's calendars of the two bodies there were 1,118 measures pending upon which there had been no action. If the same number should be signed by the President in the last eight days of the session as were signed a year ago, about 700 of our bills will go by the board because we shall not have concluded our work. One-third of those will be public bills and two-thirds will be private bills. We shall go home faced with the humiliation that we have failed to act upon 700 measures which our committees have passed judgment upon, which they have approved, and which they have laid before the House or Senate. I say that is a disgrace to the American Congress. Of course I make no personal charges. I blame no individual. I tell you that until we face this situation, until we find some remedy for it we shall go home every two years with guilty consciences.

Mr. TILSON. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. TILSON. Does the gentleman believe that all the bills which have been reported should be enacted into law?

Mr. LUCE. Of course I have no such absurd idea. I think the House should have a chance to say whether they ought to be enacted into law or not. [Applause.]

It is to be observed that few bills, once brought on the floor, are rejected. In part this reflects credit on the committee, testifying to their wisdom in making selection from the mass of proposals with which they are confronted; and I have no wish to deny credit to those whose responsibility it is to make further winnowing. They perform admirably a burdensome task which I think should be lightened. At present, by reason of lack of time for consideration on the floor, they are forced to deny opportunity to many measures they do not in fact disapprove. The result is that apart from the appropriation bills and a comparatively few measures of exceptional importance we handle little other than the minor bills that can pass by unanimous consent. Bills in the middle range, most of them designed to perfect the administrative processes of government, are delayed for year after year.

Calendar Wednesday was devised to meet this situation. Of the 47 committees listed in the calendar, only 18 have had their turn in this Congress. Nowadays the committees lower down in the list are never reached. I am on two committees that can never get a bill considered by the House save by unanimous consent—or without three objectors on the second trial—or by suspension of the rules, or by a special rule. Our hard luck in not being well up on the list prevents us from ever using our own judgment as to whether the House should pass upon any controversial matter we may wish to present.

I criticize nobody. It is the system that is wrong. The moment we try to modify the system, try to get time to do our work in orderly fashion, then we are confronted with the suggestion that we are attempting to upset the Constitution, tear down its pillars, abandon the ancient ways. I wish the old methods might be destroyed if this House might thereby be made more efficient, if it might save the lost motion that now takes place.

Here is a proposal looking in part to that end. It saves the delay and the loss of time that result directly or indirectly from the holiday recess of 10 days or so. Even if the second session should end in May, as proposed by the contemplated amendment of the resolution, we would still have added a month to the normal schedule. We would get decided benefit from having more nearly the same amount of work in each of the two years of a term.

I have served in this House for 12 years, and I find in that time, omitting recesses, the House has averaged to be in session 5 months and 11 days in each year. Could those sessions have been held evenly we would have been saved four special sessions in that period, three of them coming in the summer time. What we ask now is an opportunity to do our work in a systematic way, in an orderly way, as it is done in all other legislative bodies of the world; that we shall not be exposed to the jam now impending before us,

when we are faced with the prospect of losing so many measures in which we have a vital interest, and to which we have given so much time.

Mr. DOUGLAS of Arizona. Does the gentleman not think there would be the same congestion at the end of any Congress, no matter how long that Congress might have been in session?

Mr. LUCE. But we are proposing a system, if the amendment that has been outlined should be accepted, under which the second Congress, the first Congress having been able to sit all through the year, if it chooses, shall end in May. I point out to the gentleman that if we then had this jam, this congestion, the President might call us together the very next day to continue our work. The trouble now is there is no power on earth that can prolong the life of this Congress beyond the 4th of March.

I have observed, sir, that there is nothing so beneficial to the soul of a filibusterer as the hot season in Washington. Nothing discourages the ambitions of a man who would tax to the utmost the patience of his fellows as to try to sleep night after night with the thermometer above 90. It may be that if by rules we can not distress and repress the filibusterer we might at least discourage him by calling upon the rays of the sun to help us out.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JEFFERS. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. McCORMACK] such time as he may desire to use.

Mr. McCORMACK of Massachusetts. Mr. Chairman, while sections 3 and 4 of the pending resolution relate to the correction of an important defect that exists at the present time, for which the committee reporting this resolution are to be commended, that portion of it which I will refer to relates to the elimination of the so-called "lame duck" sessions of the Congress. This is more familiarly known as the Norris amendment. Its purpose is simple. I doubt if there is any question pending in Congress that the people generally are more familiar with than the one that we are discussing to-day. There is no question but what its passage will be approved by the country at large. Whatever reasons that may have existed in the past for the present system none exist to justify the same to-day.

The difficulty of travel and of communication that existed in the past no longer exist to-day. To permit, under existing conditions, Members of the Congress to continue to legislate for several months after a new Congress has been elected is a crime against representative government. This effort to abolish the so-called "lame duck" session is not a reflection upon the retiring Members of this body. The principle involved goes beyond mere individuals. It is absurd to permit conditions to exist where persons elected to the Congress must wait, unless a special session is called, 13 months before they actually assume the duties of their office. This is particularly so when we realize that within one month after their election a regular session of the Congress meets, composed of the Members of the Congress that have submitted themselves to the voters at a general election, many of whom have been defeated. There is absolutely no justification in these days to allow such a condition to continue. No such situation exists in any other parliamentary government; no such conditions exist in any of our State governments. The effect of the passage of this resolution will be a strengthening of representative government in the operation and conduct of Federal legislative affairs. Under the present system a party may be repudiated by the voters and yet remain in power for several months after defeat and controlling the legislative policies of a session of the Congress. It is not only absurd but dangerous to the best interests of the country. In a representative government it is essential that the will of the voters immediately go into effect and operation. The present system is a negation of that will.

This is a matter that is distinctly understood by the people. It has been before the Congress for many years, and has passed the Senate overwhelmingly on several occasions. It has been acted upon favorably by the House Committee on the Judiciary in the past. It comes before us to-day with a favorable report from the committee to which it had been referred.

Under the present conditions a newly elected Congress does not assemble to bring into mandate the will of the people until 13 months after it has been elected. To contend that candidates elected to the Congress should wait over one year before taking office while defeated Members or a repudiated party continue to legislate is absurd. It violates clearly understood principles of representative government. There may have been necessity for the existence of such conditions in the past; there are none to-day. Such a parallel will not be found in any other country professing representative government; neither will it be found in any of the 48 States that comprise the Union. Private business would not permit such conditions to exist. Assuredly private industry would not retain in its employ for several months employees that it no longer desired, when it had others to take their places.

The making of a legislative body responsive to the will of the people is the object of self-government and of representative government. The passage of this resolution will permit newly elected Members of the Congress to take their office at the next regular session, and to assume the responsibility that the people reposed in them by their election. The pending resolution should be passed by the House. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman, I have always supported the Norris resolution, and this is the Norris resolution with some amendments to it. However, I prefer it just like it came from the Senate; but I am for anything which will give the people of the United States a square deal in the national legislative body.

According to my conception, a Congress that comes fresh from the people should not have to wait to take office for 13 months after the election. They have gone through the campaign and they know what the people want. We elect a President every four years, one-third of the Senators of the United States every two years, and every Member of the House of Representatives every two years, and in order for the expressed will of the people to be carried out it is necessary for that Congress to come ready to go to work. You take in 1928. We had a presidential election. A President was elected for four years and the Congress was elected at that same time. In 1930 the people of the United States decided to make some changes in that Congress. You heard the rumblings all the way from New York City clear over to the Golden Gate on the Pacific; you heard them from the Gulf of Mexico clear up to Michigan. What was it all about? It was because legislation passed by that Congress was not satisfactory to the voters of this country. Fifty-one Republican Congressmen who were standing by the President of the United States went down to defeat. I believe they were defeated because they stood for the plundering and pillaging of the common people of this country through special privileges granted through the high tariff and other legislation to the great and powerful, the great mergers, the great trusts, and the great combines that were exploiting the people of this country. I believe that caused the people to march up to the polls and relegate those gentlemen to the rear. However, not all of them.

Some of the men who were defeated were here standing for the people, but they happened to belong to the Republican Party that was responsible, and the indignation of the folks in the country reached out all the way in some of the States and took down some good men. Yet the new men who were elected to this Congress in their places are not able to be here to legislate. We have the same President and the same Cabinet, and the folks at home, after voting for these new Congressmen, are unable to have them come into action until December, 1931. Is that compatible with modern conditions in the United States? It was all right at the time the original Constitution was adopted, but in

this great age of progress, in this age when conditions change practically every five years—almost a new country within the last 15 years—it behooves us to wake up and pass such meritorious measures as this in order that the United States will be in a position to do its very best at all times.

It is my judgment that when the people elect a Congress that Congress ought to go into action instead of being delayed like we are. Who knows what may happen? You say the President of the United States can call an extraordinary session of Congress. We know that will not happen this time. He is not going to call it. The new Members of the Senate and of the House will have no voice whatever until 13 months after they were elected. This resolution prevents that. I believe that the people of the United States by more than three-fourths would vote for this resolution or the Norris resolution. Then why should this House fail by a two-thirds vote to amend the Constitution? Surely we all love the Constitution and it ought not to be amended except under dire necessity, and this is one of the necessities, in order that the people may get justice through the representatives who have been elected to both branches of this Congress. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Under the rule adopted by the House for the consideration of this resolution, are we considering the resolution by sections? The rule says under the 5-minute rule of the House. Does that mean we shall consider the various sections under the 5-minute rule, the resolution under consideration being on the House Calendar?

The CHAIRMAN. The rule does not prescribe, and whether the resolution is to be read by sections or whether it is to be treated in its entirety is in the sound discretion of the Chair, and the Chair will follow the procedure adopted two years ago when a similar proposition was before the House, and will have the resolution read for amendment by sections.

Mr. O'CONNOR of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR of New York. To offer an amendment to this preamble, do I have to offer it at this time?

The CHAIRMAN. The gentleman must offer his amendment now. If the next section is read, it would then be too late.

Mr. O'CONNOR of New York. Mr. Chairman, I offer an amendment, on page 1, line 7, strike out the words "the legislatures of" and insert "conventions in."

The Clerk read as follows:

Amendment by Mr. O'CONNOR of New York: Page 1, line 7, strike out the words "the legislatures of" and insert in lieu thereof the words "conventions in."

Mr. O'CONNOR of New York. Mr. Chairman, ladies, and gentlemen, this morning I gave notice I would propose such an amendment. I had in mind, then, it would be offered in connection with section 6. I find at this late moment a correction would also have to be made in the introductory paragraph.

Gentlemen, I believe this is a matter worthy of serious consideration. I believe it is one that should not be passed by with only superficial thought. I believe when Article V of the Constitution provided for alternative methods of ratification by the legislatures or in conventions in the States, the framers of the Constitution had in mind that some day the convention method would be used.

To-day, on the floor here the only argument advanced against such a method of ratification was that in these conventions they might go into the question of amending or revising the entire Constitution, and I pointed out, and I am firmly of this opinion after a great deal of study, that the gentlemen are confused in their thought. The first part of Article V provides for the calling of a constitutional convention at the request of two-thirds of the States. There, if the States asked Congress to call a constitutional convention to consider one or more articles or amendments of the Constitution, the question is not yet decided whether or not that convention might go into a subject not specifically mentioned in their request to Congress. But in this case no such question can arise.

In this case if we insert here that this amendment or this article shall be ratified in conventions in the States, Congress, through the Secretary of State, submits to each State this particular article for adoption and separate conventions are called in each one of the States. The only matter before them is this particular amendment to the Constitution.

I have heard it said, "Well, they might never call a convention in some States." My answer to that is that the legislatures do not have to act on this question when it is submitted to them. We can conceive of a legislature never acting on a proposed Federal amendment.

Another argument is, "You would have to set up the machinery to elect delegates to the convention; how would you do that?" Your State law provides how you shall elect the members of the houses of your legislative branch of government.

Another argument has been made that it would take too long, but you have seven years in which to do this.

Gentleman, for the first time, unless there is some fundamental, valid objection to it, we ought to adopt this method because, as I have said, throughout this country there is a demand from the people to have a voice in the adoption of amendments to the Federal Constitution. You recognize it. That is why you put in this futile, half-considered provision in section 6 that one branch of the legislature must be elected before the submission of the article to the legislature. Why did you not go further? As I pointed out to-day, if you believe in giving the people a voice in it, why did you not say both branches, because one branch could stop it, composed of the old crowd, those who were not elected after its submission. My amendment brings it to the people.

Let me say again that in this country there is coming referendum, referendum in the States, and referendum in the Nation. The people are now demanding that they have a referendum on amendments to State constitutions and on amendments to the Federal Constitution. I do not go that far.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'CONNOR of New York. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Without objection, it is so ordered.

Mr. O'CONNOR of New York. I take the middle road, not going to the extreme, if you want to call it that, of a referendum every time you have an amendment to the Constitution, but as between that method and the adoption or ratification by the legislatures, with such unfortunate results as we know of, I believe in the middle course of submitting them to conventions.

I submit this to the committee in good faith, with no subject in my mind. I take the position that no amendment should be submitted to the legislatures. I hope the amendment is adopted. If it is not adopted, I shall then offer an amendment that both Houses of the Legislature shall be elected after its submission, and I do not know why that should be opposed. You should either be willing to go the whole way or not go at all.

I just heard a gentleman holler "Vote," because he imagines I am talking about prohibition, and whether the gentleman believes me or not—and I do not care whether he does believe me or what he may think of me—I never had

that thought in mind. I have offered the amendment because I am in favor of this method with respect to any proposed article that is submitted.

It is just such spirit as that that prevents consideration here; it is the spirit of narrowness, as demonstrated by one lame duck preventing consideration of a really meritorious proposition. I submit this in good faith, and it should be adopted, although we have been 150 years reaching this point.

Mr. GIFFORD. Mr. Chairman, just one word. The other amendments to the Constitution have been ratified by the State legislatures. It is not a new topic. When amendments are presented to the country they are thoroughly debated. It is urged that a constitutional convention, when called in a State, might possibly tinker with the rest of the Constitution. Whether there is any truth in that argument or not I do not know. It has not been determined. This has been the policy for all these years. I have no doubt that this amendment will have no standing in the House.

Mr. SLOAN. Is it not a fact that the Supreme Court has decided that it is proper to adopt a constitutional amendment by the legislatures of the United States?

Mr. GIFFORD. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. O'CONNOR].

The question was taken; and on a division (demanded by Mr. O'CONNOR of New York) there were 28 ayes and 129 noes.

So the amendment was rejected.

The Clerk read as follows:

SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Mr. BANKHEAD. Mr. Chairman, I offer a substitute for section 1.

The Clerk read as follows:

The terms of the President and Vice President shall end at noon on the 24th day of January and the terms of Senators at noon on the 4th day of January of the years in which such terms would have ended if this article had not been ratified; and the terms of Representatives at noon on the 4th day of January two years after such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Mr. GIFFORD. Mr. Chairman, I reserve a point of order to the amendment.

Mr. BANKHEAD. Will the gentleman make the point of order?

Mr. GIFFORD. Is this amendment——

Mr. BANKHEAD. I do not want the gentleman to make the point of order under a misapprehension. The purpose of the amendment is to extend the term of Members of the House of Representatives from two years to four years.

Mr. GIFFORD. I make the point of order that it is not germane. The same point of order was debated at length three years ago, it is in the RECORD, and it is entirely unnecessary to debate it at this time.

Mr. BANKHEAD. Mr. Chairman, I know that Members are impatient to vote on this resolution and on the amendments that may follow. I present this amendment for the serious consideration of the House in the event that the point of order should be overruled. It is true, as the gentleman from Massachusetts states, that in 1928, when we had the question up before in the House on the proposition for the consideration of the committee an amendment similar in tenor to this was offered, but it was in entirely different form from the amendment now before you.

I am sure the present occupant of the chair, who presided when the question was under consideration two years ago, is thoroughly familiar with the discussion that took place at that time. I do not propose to restate the argument now. I assume the Chair has before him the CONGRESSIONAL RECORD containing that debate and the precedents that I then cited.

However, I ask the Chair to be kind enough to refer for a moment to page 4366 of the RECORD of March 8, 1928, because I desire to have him seriously consider the precedents as to the germaneness of this proposition then cited, in the fifth volume of Hinds' Precedents, sections 5824, 5839, and 5882. The Chair on that occasion evidently based his opinion upon the proposition, referring to an opinion by Mr. Garrett, of Tennessee, on the principle that fundamentally the proposition involved should be identical in purpose with the text of the resolution proposed to be amended. I submit for the consideration of the Chair the present substitute now offered to section 1 is fundamentally in line with the purposes set out in section 1 of this resolution. I call the attention of the Chair to the terms of this section:

The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

It will be noted by the Chair that the fundamental thing involved here deals with the ending of the term of the President and Vice President and the ending of the terms of Senators and the ending of terms of the Members of the House of Representatives. That, it seems to me, is the fundamental thing involved in this section. What is the effect of my proposed substitute on the proposition of its germaneness? Of course, the Chair is familiar with the rules governing amendments; that where one or more subjects are involved an amendment is germane which includes another subject of the same character. This section provides that the term of President shall end on such and such a date. As presented, it provides that the terms of Senators and Representatives shall end on the same date, and the purpose and the fundamental purpose of the substitute is to give the House an opportunity to submit a constitutional amendment for ratification providing that the terms of Members of the House of Representatives shall end two years after the terms for which they were elected, in the event this should not be ratified, and the purpose, therefore, of the amendment is to provide a 4-year term for the Members of the House of Representatives.

Mr. SLOAN. Does the gentleman's amendment in any place provide that the term hereafter shall be four years? Does it only apply to the particular period immediately ahead of us and not to succeeding terms?

Mr. BANKHEAD. No; it would apply by judicial construction just as the terms for the ending of the term for President and Vice President. In other words, it would fix a permanent system under which Representatives every four years would be elected for a term of that period. Mr. Chairman, I do not want to tax the patience of the Chair or the committee with any extended argument on this proposition, but I submit it to the opinion of the Chair particularly in view of the fact that two years ago I offered this proposition as an entirely new section to the pending amendment, and it involved substantially different matter from that now set up. The only thing I am now proposing to do is to provide that the term shall end at another period of time. It would certainly be in order for us to amend the resolution by providing that the term of the President shall end at noon on March 24 or July 24 instead of January 24. If we could do that, then certainly it is permissible for us to change the time with reference to the terms of Representatives, and instead of providing that they shall end on one day, provide that they shall end on another date. That is the substance of the substitute now proposed.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Alabama reads:

The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators at noon on the 4th day of January of the years in which such terms would have ended if this article had not been ratified; and the terms of Representatives at noon on the 4th day of January two years after such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

The purpose of the amendment and its effect as stated by the gentleman introducing it are to extend the term of office

of Representatives in Congress from two to four years. This is offered as an amendment to section 1 of the joint resolution under consideration, which reads:

The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, in the years in which said terms would have ended if this article had not been ratified, and the terms of their successors shall then begin.

The purpose of the section to which this amendment is offered is not to alter the terms of Senators or Representatives in Congress, but merely to change the time of the beginning and ending of the term in order to effect the result of doing away with sessions of Congress by Representatives after their successors have been elected. The mere statement of that proposition shows that the amendment is an entirely different subject matter from the subject matter contained in the resolution. The Chair rendered an exhaustive and probably exhausting opinion on this subject on March 8, 1928, which decision is paragraph 952–A of the House Rules and Manual.

For that reason the Chair does not deem it necessary to go farther into the reasons that impelled him to render that decision when this subject was considered before. The Chair merely wishes to point out that on that occasion an appeal from the decision of the Chair was laid and the committee sustained the ruling of the Chair by a vote of 207 to 33.

The point of order is sustained.

Mr. BANKHEAD. Mr. Chairman, I respectfully appeal from the decision of the Chair, and I would like to be recognized on the motion.

The CHAIRMAN. The gentleman from Alabama [Mr. BANKHEAD] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee? The gentleman from Alabama is recognized.

Mr. BANKHEAD. Mr. Chairman, ladies, and gentlemen, I do not know that I shall consume the entire five minutes to which I am entitled under the rule. The members of the committee have heard the presentation of the argument I submitted to the Chair upon this question. I feel the Chair is fundamentally wrong in making this decision. I feel that the decision violates well-established precedents of the House that where two or more subjects are dealt with in one section, an amendment dealing with either one of those, in extending the time or putting other qualifications on it, or adding even a third subject to the section, is always admissible. That is all this amendment proposes to do. I submit to the members of the committee that it is a very narrow and a very technical construction of the rules allowing amendment that would prohibit the House from expressing itself on a proposition which merely extends the time set out in the resolution itself in which an event shall occur. That is all that is done under this proposition.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BANKHEAD. I yield.

Mr. LAGUARDIA. There is some misapprehension on this side as to the effect of the gentleman's amendment. As I read it, it simply fixes the time of the new Congress, but does it extend the term of the Members of the House?

Mr. BANKHEAD. It extends the terms of the Members of the House who shall be elected after the ratification of this amendment.

Mr. LAGUARDIA. For how long?

Mr. BANKHEAD. To four years instead of two years, as at the present time.

I believe that is all I desire to say, Mr. Chairman.

Mr. STAFFORD. Mr. Chairman, I ask for three minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. Mr. Chairman, there is no question in my mind that the ruling of the Chair is absolutely correct. The effect of the amendment proposed would be merely to extend the term of the Congress that is then in session to four years. It would in no way affect section 2 of Article I, which says the House of Representatives shall be composed of Members chosen every second year by the people of the several States.

We are not, in this amendment, seeking to lengthen the terms of Representatives, but as the Chair says, we are seeking to change the date when the term begins. If you adopt this amendment you are not going to get the voice of the membership of this body on the one question, and the only question as to whether we should do away with lame-duck sessions of Congress. It will confuse the issue, bring up another subject entirely, as to whether the term of Representatives shall be 3 years or 4 years or 6 years. [Applause.]

Mr. BANKHEAD. Will the gentleman yield?

Mr. STAFFORD. Let us narrow it down to the matter before the House.

Mr. BANKHEAD. How can the gentleman read into the language of this section his construction that it deals with the shortening of the term, when the very language of the section itself prescribes the ending of terms?

Mr. STAFFORD. The language of the gentleman's amendment would only permit the lengthening of that session of Congress when this constitutional amendment becomes effective.

I ask the Members to uphold the decision of the Chair. Thoughtful consideration has been given by the Chair, not only at this time, but three years ago when he made a like ruling.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair announced he was in doubt.

Mr. BANKHEAD. Mr. Chairman, I ask for a division.

The committee again divided; and there were—ayes 147, noes 76.

So the decision of the Chair stands as the judgment of the committee.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

I would like to inquire of the chairman of the committee as to the reason why the committee postponed the date to January 24 rather than January 15, as is contained in the Norris resolution? What is the real logic of prolonging the date for three weeks after Congress has convened before the President takes the oath of office?

Mr. GIFFORD. The committee thought that 20 days was much better than 13, and they might need it in an emergency.

Mr. STAFFORD. What is supposed to be done in that intervening period by Congress awaiting the message of the President? Are we just to mark time or what?

Mr. GIFFORD. The gentleman knows that the Appropriations Committee is now practically a continuing body, and that much could be done during that time under temporary action.

Mr. STAFFORD. Is it thought that perhaps there might be a contest by which there would be no vote in the Electoral College and that the House would have to elect a President? Is that the reason the time has been prolonged?

Mr. GIFFORD. That is the reason exactly.

The pro forma amendment was withdrawn.

Mr. KNUTSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Page 2, line 3, after the word "begin" add "The House of Representatives shall be composed of Members chosen every fourth year by the people of the several States and their terms shall run concurrently with that of the President."

Mr. GIFFORD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January unless they shall by law appoint a different day.

Mr. LONGWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May."

Mr. LONGWORTH. Mr. Chairman, as you all know, I infrequently take the floor during the consideration of a bill or offer an amendment to a bill, but this is such an extremely important and vital matter that I think it is not only a privilege but a duty to offer this amendment.

I do not intend to debate the merits or demerits of this resolution. I desire, however, to call your attention to what, to my mind, is the fundamental objection to it in its present form. Under this resolution, as is obvious, it will be entirely possible for Congress to be in session perpetually from the time it convenes. There is no provision in the resolution for a termination either of the first session, or particularly of the second session. It seems to me obvious that great and serious danger might follow a perpetual two years' session of the Congress.

I am not one of those who says the country is better off when Congress goes home. I do not think so, but I do think that the Congress and the country ought to have a breathing space at least once every two years. [Applause.]

The effect of this amendment is simply to provide that the second session of the Congress shall terminate upon the 4th day of May in the even-numbered years. That is a fair proposition. It will give at least one month more for the consideration of legislation in the second session than is given now. There will be a clear four months' period between the assembling of the Congress in the second session and its adjournment. Can there be any real reason for opposition to a proposal which will give the Congress four months during the second session and then having May, June, July, August, September, and October clear? Those are the years when we all come up for election. Those are the years—every four years—in which national conventions are held. It is not wise that Congress should be in session during the holding of national conventions. It is wise that men should have time in which to canvass their districts and prepare for election.

The history of this matter, in so far as I have been concerned with it, is this: Something over three years ago, just before this resolution came up in the House, I was invited by perhaps the strongest organized body of intellectuals in the country, the American Bar Association, to give my views on this matter. I gave my views and stated, as I state now, that with the adoption of this amendment, providing for the termination of the second session, all my objections to this resolution would be withdrawn. The committee of the Bar Association with which I conferred adopted my views. Having indorsed the resolution previously, they withdrew that indorsement and unanimously indorsed the resolution with the inclusion of a provision such as I am now offering.

It seems to me that from every point of view this amendment ought to be adopted. I will do anything I can to help the passage of this resolution provided this amendment is adopted. This afternoon I propose to even go farther than that. In the interest of the speedy passage of this resolution, with this amendment, I will recognize a request that the Senate resolution, as amended by the House resolution, be considered in lieu of the House resolution. [Applause.] That will offer an opportunity to immediately send the bill to conference, and, under all the circumstances, is, I think, a proper courtesy to the Senate.

Mr. MONTAGUE. Will the gentleman yield?

Mr. LONGWORTH. Certainly.

Mr. MONTAGUE. I could not hear the entire amendment as it was read. Would this amendment interfere with the President's calling an extra session?

Mr. LONGWORTH. Not at all. This is precisely the provision that was in the original resolution three years ago. In case of any emergency the President may call the Congress to meet on the 4th day of May and continue the session long enough to satisfy the emergency. The amendment would have no effect in that direction.

Gentlemen, I sincerely hope this amendment may be adopted. [Applause.]

Mr. JEFFERS. Mr. Chairman and gentlemen of the committee, I rise in opposition to the amendment proposed by our distinguished and beloved Speaker, and will ask the indulgence of the committee while I try to point out my reasons therefor.

In the first place, Mr. Chairman and my fellow members of the committee, we are placing an amendment in the Constitution of the United States, and if we place a limiting date on the second session of the Congress, as proposed, we will be following procedure which is not only unnecessary but which may in the future prove to be undesirable, in the light of events of the future, and it would be very hard then, of course, to eliminate or to change it. If 10 or 20 years from now it should appear that this certain date written into the Constitution is undesirable or wrong, it would, of course, at that time require another constitutional amendment to remove it or change it.

Let me call the attention of the members of the committee to another point. The amendment as introduced reads, "The Congress shall assemble at least once in every year," and I invite your attention to the next sentence, "In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day."

This at least leaves it to the Congress as to that date, and if the Congress shall see fit in the future to appoint a different day for the meeting of the Congress in the odd-numbered year they can do so, but it is entirely another matter as regards the even-numbered year. Not even the date for the meeting of the Congress is left to the will of the Congress in the even-numbered year.

The clause "unless they shall by law appoint a different day" applies only to the odd-numbered year. Even the meeting day of the Congress is not left to the will of the Congress in the even-numbered year, because it says in the next sentence, after the clause to which I have called your attention, "in each even-numbered year such meeting shall be on the 4th day of January," without the saving clause that appeared in the first sentence, "unless they shall by law appoint a different day," and then it goes on to say, "and the session shall not continue after noon on the 4th day of May," again without the saving clause we find in the first sentence relative to the odd-numbered years, "unless they shall by law appoint a different day."

Now, there, my friends, that is clearly a serious defect in the amendment. It treats the session of the Congress with regard to the meeting date in the odd-numbered year different from the way it treats the session in the even-numbered year, and, fundamentally, it is wrong to write that arbitrary, unchangeable date, the 4th day of May, into the Constitution of the United States.

The Congress of the United States and the Congress alone should retain control of when it shall meet and when it shall end, and be in position to determine by law its meeting date and its adjourning date.

Gentlemen, we are giving away year after year, more and more, the power, the rights, the supremacy, and the prerogatives of the legislative body of the Union, and I trust that the language of the resolution shall be adopted as reported and not changed by this amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. GIFFORD. Mr. Chairman, I simply want to call the attention of the committee to the fact that our committee reported this matter three years ago exactly as the Speaker has presented it to you in his amendment. In considering the proposal and in presenting this resolution this year our committee thought that inasmuch as the amendment was defeated three years ago we would present the resolution in

the form in which it was finally agreed to in the Committee of the Whole at that time, reserving to ourselves the right to favor or not to favor this particular amendment if it were offered.

Mr. JEFFERS. Can the chairman give any reasonable explanation why you put in the clause "unless they shall by law appoint a different day" in the odd-numbered years and leave it out in the other years?

Mr. GIFFORD. The year that we must vote for President and Vice President must be very definite, because there is definite work to be performed.

Mr. JEFFERS. But you have made it just the opposite.

Mr. SUMNERS of Texas. Mr. Chairman and members of the committee, it is only the sense of high duty which prompts me to oppose the proposition made by the Speaker of the House, whom we all honor and love, regardless of which side of the aisle we sit. The proposition of the Speaker is a limitation on the present provision of the Constitution.

Article I of the Constitution provides that the legislative powers shall be in Congress. In section 4 it provides:

> The Congress shall assemble at least once in every year, and such meetings shall be on the first Monday in December, unless they shall by law appoint a different day.

So the Constitution as it was drafted and ratified left to the Members of Congress the entire control over the length of their sessions. The Speaker expresses the judgment Congress ought not to be in session all of the time. Nobody proposes that it shall be. That question is not involved. Whatever of wisdom there is in that suggestion will address itself to Congresses as they come and as they go. The question is whether Congress shall be deprived of latitude and discretion shaping the length of its sessions according to the public business. There is no reason why this particular Congress or this particular generation should make it impossible by a constitutional limitation for another Congress serving another generation to remain in session longer, as the necessities of that generation may require. Such provision has no place in a constitution. It is not a fundamental provision. It is a statute. Why make this voluntary surrender to the Executive? Why substitute the judgment of the President for the judgment of Congress as to whether the Congress should function beyond May of the last session?

Some people believe that there ought not to be any Congress. I do not. [Applause.] Congress can declare war. According to the implied lack of confidence in Congress, that power ought to be withdrawn from Congress and given to the President. Certainly if the Congress can not trust itself to fix the date of its own adjournment it ought not to be intrusted with the power to send a nation to war.

I submit to the sound judgment of Members of the House that we ought not to write this new provision of limitation into the Constitution.

You speak about the fathers—the fathers left it to the Members of Congress to decide when they would adjourn. They fixed a certain time for Congress to convene, but left it to Congress to change the date by law. Now, when the country has grown, when it has become more populous, you come in with a proposition that would limit the Congress in the second session. I do not believe that is wise in a popular government to undertake to establish by a rigid Constitution a guardianship over the Congress in the determination of so important a thing as when its legislative duty shall have been discharged. Of course, Congress will make mistakes. You can not protect the people against the possibility of making mistakes. God has not undertaken to do it. The thing to do in a popular free government is to leave those agencies of government that have responsibility free to discharge their responsibility. The first provision of the Constitution puts legislative responsibility upon the Congress, and another provision in the same section provides that we shall meet once a year. Are we going now in the amendment proposed by the gentleman from Ohio [Mr. LONGWORTH] to undertake to limit all of the generations that shall come after us? It ought not to be done.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GLOVER. Mr. Chairman, I rise to support the amendment offered by the gentleman from Ohio [Mr. LONGWORTH]. As stated by the chairman, this is a question in which we were not fully agreed, and we were left free to do our own thinking and voting. It is my judgment that there ought to be a limitation on this session. I realize the force of the argument made by the gentleman from Georgia [Mr. CRISP] that much legislation in three months would lapse and could not be enacted into law. This takes care of that. This adds another month for the consideration of legislation. I agree heartily with the Speaker when he says that the people ought to have a breathing spell, and I would go further than that and say that I believe the Members of Congress ought to have a breathing spell, and that we ought not to be kept here entirely in session, with much of the time frittered away as it would be if we should be kept here all of the time. If we have a given task to be performed in a given time we will devote ourselves to that. Another argument made by the Speaker, I think, is worth being emphasized, and that is the fact that in presidential election years, regardless of whatever party is in power, politics would enter; if we were in power, of course we would make it hard for you, and if you were in power you would do the same thing to us. In other words, politics would be played in Congress that ought not to be played. I believe we can finish our business in the presidential year by the time specified in this resolution, and that we can accomplish our purpose, and that we can go out and have a little rest ourselves and give the people one. I believe the resolution ought to be adopted, and I would be glad to see the chairman of the committee accept it as it is offered.

Mr. BROWNE. Mr. Chairman, if this amendment becomes a part of the Constitution of the United States, it is a confession to the world that the greatest legislative body in the world is afraid to trust itself. [Applause.] No matter what the emergency is, the President of the United States possibly against this legislative body, yet our hands would be tied and we could not sit a day over the time set by the Constitution of the United States. This is a time when the powers of the legislative branches not only of this Government but of every parliament in the world are being usurped by the executive, and when the legislative powers are being encroached upon. We have seen what happened in Germany. The Reichstag became a mere debating society. In Spain the Cortez has not met since 1923. In Italy the legislative body is not consulted at all; it does not convene. The legislative branch of the Government, the only branch which is directly responsible to the people, should protect itself and its sovereignty and not be a party tying its own hands.

Mr. O'CONNOR of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. BROWNE. I can not yield at present. In answer to the argument made by the Speaker that we have national conventions, and that Congress might hold through 365 days in the year and Members could not attend the convention, I challenge anyone to cite a case in the history of the American Congress where we have held through a national-convention year so that it interfered with Members going to a national convention which are usually held in June or July. The practical effect of adopting this amendment is to kill the resolution. It will have to go back to the Senate, and at this late date we know that this means its defeat. The people who want to defeat this resolution have proposed this amendment. The resolution has passed the Senate several times and the House once, but not by a two-thirds vote. It was introduced years ago by Senator Lodge, and it has been passed three of four times by the Senate by almost a unanimous vote. The people of the country want it. Therefore I hope the amendment proposed by our distinguished Speaker will be voted down and that this resolution will go back to the Senate as quickly as possible and be submitted to the people. I yield to the gentleman from Oklahoma.

Mr. O'CONNOR of Oklahoma. The gentleman stated that the greatest legislative body in the world is not willing to trust itself. We are not afraid to trust ourselves, but we have to have the agreement of another legislative body to adjourn, and we are afraid to trust them.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SIMMONS. I trust I may have the attention of the House to briefly express the views I hold as to why the amendment offered by the gentleman from Ohio [Mr. LONGWORTH] should not be accepted. Every purpose sought by the gentleman from Ohio could be accomplished by legislation. A constitutional amendment is not necessary to effect his desires. As I see it, in the first place you will have a Congress under these circumstances, if its term expires on the 4th of May, where from that time on until the 4th of the succeeding January the Congress of the United States will be absolutely impotent to serve except at the call of the President. You surrender the power that Congress has to the will of the Executive, so that if every Member of the American Congress desired to stay in session after the 4th day of May it would be absolutely impotent to do that unless the President saw fit to call it into extra session. The Congress ought not to surrender its powers to any Executive at any time. One of the reasons that we are proposing this change is that we may get away from the necessity of bad legislation forced by a filibuster or the killing of good legislation by the same method.

You are setting up machinery again whereby a filibuster can be used either to force the passage of bad legislation or kill good legislation.

I see no reason why the Congress of the United States should send notice to the world that it is afraid to trust the American people and afraid to trust subsequent Congresses; Congress should not surrender its power to the Executive. This amendment goes, as I see it, to the fundamental right of the American people to govern themselves through a legislative body. The purpose of the Constitution is to enable the American people to govern themselves. When the Constitution is amended it should be made easier and not more difficult to accomplish that purpose. Congress should retain control of the legislative machinery of the Nation. [Applause.]

Mr. STAFFORD. Will the gentleman yield?

Mr. SIMMONS. I yield.

Mr. STAFFORD. Would not the effect of the proposal be to curtail the long session of Congress, when we really legislate, by three months? Under the existing practice we have invariably met on the first Monday of December and continued usually until June or July and then adjourned. Now, in the second session, under this new order, the House of Representatives will not be privileged to convene for more than four months.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word.

Mr. GIFFORD. Mr. Chairman, I move that all debate on this section, and all amendments thereto, shall close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GIFFORD] asks unanimous consent that all debate on this section, and all amendments thereto, shall close in five minutes. Is there objection?

There was no objection.

Mr. LOZIER. Mr. Chairman and colleagues, I am surprised that the amendment offered by our distinguished Speaker [Mr. LONGWORTH] should meet with the approval of any considerable part of the membership of this House. While I do not challenge the good faith and sincerity of the Speaker in tendering this amendment, I nevertheless declare that its adoption will emasculate this resolution, neutralize its benevolent provisions, and destroy the real purpose sought to be accomplished.

This amendment in even years limits the regular session of Congress to four months and compels an automatic adjournment May 4 no matter how much important legislation might be pending and undisposed of at that time. This amendment will place Congress in a strait-jacket and prevent the enactment of legislation in the interest of the American people. It will make it easy for a small group of leaders to strangle wise and progressive legislation.

We are trying to get away from the baneful effect of our present short sessions of Congress, during which, owing to the limited time, very little legislation of a constructive character can be enacted. We are trying to abolish short sessions of Congress, at which only appropriation bills are enacted and such unimportant legislation as the leaders are willing to approve, and during which sessions filibustering is not only possible but easy.

The American people are disgusted with a system under which at a short session of Congress a few Representatives or Senators can by filibustering prevent the enactment of legislation designed to promote the general welfare of the Nation and which has the approval of a majority of the American people speaking through the ballot box. Lame-duck sessions of Congress have been weighed in the balance and found wanting, and there is a nation-wide sentiment demanding the submission of the pending resolution.

By the adoption of the Longworth amendment we would do away with one short session and create another one, which would go a long ways toward destroying popular government and make it exceedingly easy to thwart the will of the people as expressed at the ballot box. It would make our Constitution so static and inelastic that Congress could not function efficiently in even-numbered years because the sessions would be limited to four months, most of which time would be necessary to pass routine legislation and appropriation bills, and practically no time would remain for the enactment of general legislation.

If this Longworth amendment is adopted it will be a confession of the impotence of Congress, an acknowledgment of our inability to function as a legislative body, and a declaration to the world that Congress does not dare to trust itself to determine how long it shall remain in session for the transaction of public business. The Longworth amendment enunciates a principle and declares a policy, which is obviously unsound and fundamentally opposed to the genius and spirit of our institutions. [Applause.]

May I say to my colleagues that no one can read the Constitution of the United States and escape the conviction that this Government is built around the Congress; that it is not built around the Executive; that it is not built around the Judicial Department; that it is not built around departments, bureaus, and commissions. Ours is essentially and preeminently a congressional Government, made so by the letter and spirit of the Federal Constitution.

Two-thirds of the language in the Constitution has reference to Congress, its powers, prerogatives, its duties, and its limitations. The Congress was first in the minds of our constitutional fathers when they set themselves to the historic task of formulating a scheme of government for the but recently liberated colonists. The men who wrote our Constitution, the men who reared our governmental structure were the men who fought the battles of the Revolution and won our independence. They earnestly desired to devise a system of government the supreme purpose of which was to promote the general welfare of the American people.

Our constitutional fathers were men familiar with history. They were not ignorant of the tyranny by which kings and princes had enslaved and mercilessly exploited their subjects. They had scanned the bloody annals of the past whereon the historic muse had penned the woes and tribulations of subjects suffering under the iron heel of despotism. They had studied the various systems of government from the beginning of time, and remembering the slow and cruel processes by which man had struggled from despotism to a breath of freedom, they determined to provide a scheme of government for the American people that would not only insure their tranquillity but promote their comfort and happiness.

In studying the different systems of government which have dominated mankind from the beginning of time they could not escape the realization that most of the woes and oppression from which peoples had suffered in the past resulted from an abuse of power by the executive branches

of government. They realized that from the beginning of history kings, princes, and other executives had exploited and oppressed mankind.

The men who wrote our Federal Constitution realized that our Revolution was a result of an abuse of executive power, although the English Parliament protested against the acts of oppression initiated by King George and his pliant ministers. In all the history of the world I do not recall a single struggle between the executive upon the one hand and the people on the other in which the legislative branch of the government did not espouse the cause of the people.

Realizing these great historic facts, it is not surprising that the men who wrote our Constitution built our Government primarily upon and around the Congress; and while I recognize that we have three so-called separate, coordinate branches or departments of government, yet, in the first and last analysis, it is undeniable that our scheme of government is essentially a government based primarily on and built around the Congress.

If Congress has become so impotent that it can not function as an independent and self-respecting body; if it has degenerated to such a degree that it is incapable of determining how long it shall remain in session to transact public business; if it has become a menace to the business, social, and civic interests of this Nation; if it has become so thoroughly irresponsible that the people find it necessary to write into our organic law a hard and fast provision to the effect that in even-numbered years Congress must adjourn not later than May 4, and that the welfare of the Nation would be menaced by Congress remaining in session later than May 4 of even-numbered years, then indeed the scheme of government devised by our constitutional forefathers has ended in failure, and under these conditions Congress should be abolished and all power to make and administer laws and to levy taxes should be vested in the President and his several departments, bureaus, and commissions.

I repeat, the adoption of the Longworth amendment is a confession of the incapacity of the Congress to perform its constitutional duties and the surrender of its most sacred and valuable prerogative. If a proposition to require the Congress to adjourn at a given date had been submitted to the convention that formulated our Federal Constitution, it would have been scornfully rejected, because it was intended that the representatives of the people, the Congress, when assembled should continue in session as long as its membership considered necessary to transact the public business and to enact legislation to carry out the plans and purposes for which our Government was created.

Our scheme of government, though an improvement upon, is nevertheless patterned after, the unwritten constitution of the English people, from whom we inherited our conception of an independent, self-respecting, and self-regulating legislative body. The origin of the English Parliament is lost in the mists of antiquity.

The unchallenged prerogatives it now enjoys are the fruitage of a struggle reaching back 10 centuries, during which long and bloody period the Parliament aggressively contended for the rights of the people against the unwarranted abuse of the royal prerogatives, and more than one successful revolution resulted from efforts of the Crown to prorogue Parliament; and no doubt a knowledge of these facts influenced our constitutional fathers, in creating the Congress, to leave it free to determine the date of its adjournment.

If the Congress is a self-respecting body, striving to promote the public weal, it will not continue in session any longer than is necessary to transact the public business and enact such legislation as will promote the comfort and welfare of the people; and this is the supreme purpose for which all just governments are created.

On the other hand, if the membership of the Congress has degenerated to such a degree that it can not be trusted to determine when it has finished its legislative program, then Congress should either be abolished or its membership changed.

One of the arguments urged in favor of the Longworth amendment is that the weather becomes uncomfortably warm in Washington in the late spring and summer time. But is that any reason why public business should be neglected? Is that any reason why Congress should adjourn without enacting constructive legislation in interest of American people? Do a few warm days incapacitate a Member of Congress from performing the duties he was elected to discharge?

If the interest of the American people will be promoted by Congress remaining in session and passing progressive legislation during the warm season, which one of you will say that Congress should adjourn under those conditions? According to my theory, it is the duty of Congress to adjourn when it has finished its legislative program, and by the same token it is the duty of Congress to remain in session until it has enacted all possible legislation for the benefit of the American people, notwithstanding disagreeable weather conditions. I do not think that there is a patriotic American who would oppose Congress remaining in session as long as the right brand of legislation is being enacted. [Applause.]

If the warm weather in Washington in even-numbered years justifies a mandatory adjournment of Congress May 4, why would not the same weather conditions compel an adjournment May 4 in odd-numbered years? Now there is not a Member of this House who really wants to serve his constituents who will consider the weather argument seriously or hesitate to keep Congress in session during the warm season if Congress could thereby promote the public welfare.

But the argument is advanced that Congress in even-numbered years should adjourn by May 4 so as to give the Members an opportunity to look after their fences in the primary and general elections. Reduced to its lowest terms, this argument means that the public business must be sacrificed in order to enable the Members of Congress to safeguard their political interests and promote their political fortunes. This argument does not appeal to me, nor do I think it would be very convincing if you should attempt to present it to your constituents. The Member who votes to prematurely adjourn Congress, with important legislation undisposed of, has not any very convincing reasons why his constituents should give him another term. And the history of the American Congress is remarkably free from instances when sessions were unnecessarily prolonged.

Mr. STEAGALL. Will the gentleman yield?

Mr. LOZIER. I yield to my friend from Alabama.

Mr. STEAGALL. Has the Congress ever abused the power now vested in it under the Constitution to remain in continuous session? Is it not true that Congress has on its own motion limited its sessions, and is it not true that at this very hour, regardless of party division, Members of Congress are working night and day to prevent an extra session to finish necessary legislation without bringing about an extraordinary session?

Mr. LOZIER. Congress has never abused its power to determine when its sessions shall end. It is idle to assume that the Members of Congress will remain in session for a longer time than is necessary to transact public business and enact such legislation as, in the opinion of the majority, will inure to the benefit of the American people.

Gentlemen, by voting for the Longworth amendment you are confessing the failure of congressional government; you are admitting your inability to legislate or to be trusted by the American people, and you are surrendering the most vital and valuable prerogative which our Constitution has vested in Congress. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. LONGWORTH].

The question was taken; and upon a division (demanded by Mr. JEFFERS) there were—ayes 193, noes 125.

So the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas [Mr. JOHNSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Texas: At the end of the amendment just adopted insert "When the day fixed for the convening of Congress shall fall on Sunday, the following day shall be the date of assembly."

The CHAIRMAN. The amendment offered by the gentleman from Texas is an amendment to the amendment offered by the gentleman from Ohio, and should have been offered before the original amendment was passed upon. The Chair is therefore constrained to hold the amendment offered by the gentleman from Texas out of order.

Mr. JOHNSON of Texas. May I not offer the amendment now?

The CHAIRMAN. An amendment must be perfected before it is finally adopted. The amendment offered by the gentleman from Ohio [Mr. LONGWORTH] having been finally adopted, it is no longer subject to amendment.

The Clerk read as follows:

SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission.

Mr. O'CONNOR of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York [Mr. O'CONNOR] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR of New York: On page 3, in line 9, strike out the words "at least one branch" and insert in lieu thereof "all branches."

Mr. O'CONNOR of New York. Mr. Chairman, this amendment goes further than the amendment suggested by the Democratic minority leader three years ago. When I proposed it on the floor this morning it was admitted to have force. It requires that the entire legislature be elected before the submission of the amendment. Many Members on both sides indorsed it this morning. I believe it is safe to go that far. I think it is meritorious. I do not know how there can be any objection to it. It brings the ratification closer to the people to have the amendment adopted by an entirely new legislature, so that one body can not hold up action on the ratification. The way you have it now, while one body must be elected after submission, the existing legislative body might not answer the will of the people and might block the adoption of the amendment.

Mr. LEAVITT. The gentleman understands that many of the States elect a part of their senate in one election and the remainder of the senate, perhaps, in another election, similar to the procedure in electing the United States Senate. The result of the gentleman's amendment would be, in the case of my State, for example, to postpone any possibility of action on this proposed amendment for at least four years.

Mr. O'CONNOR of New York. You have seven years in which to ratify the amendment, plenty of time to meet the situation suggested by the gentleman; and, furthermore, postponed action sometimes is very helpful.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The CHAIRMAN. Under the rule the committee automatically rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 292, proposing an amendment to the Constitution of the United States, and under the rule he reported the same back with the amendment adopted by the committee.

The SPEAKER. The previous question is ordered under the rule.

The question is on the amendment.

Mr. JEFFERS and Mr. CRISP demanded the yeas and nays.

The yeas and nays were ordered.

Mr. KETCHAM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KETCHAM. Will the Chair please advise the Members by what majority the amendment would have to carry? Is a two-thirds majority necessary?

The SPEAKER. No; a majority is only necessary on an amendment.

The question was taken; and there were—yeas 229, nays 148, not voting 54, as follows:

[Roll No. 37]

YEAS—229

Adkins	Cullen	Irwin	Reece
Aldrich	Dallinger	James, N. C.	Reed, N. Y.
Andresen	Darrow	Jenkins	Rich
Andrew	Davenport	Johnson, Ill.	Rogers
Arentz	Davis	Johnson, Nebr.	Sanders, N. Y.
Aswell	De Priest	Johnson, Wash.	Sanders, Tex.
Auf der Heide	Dickinson	Jonas, N. C.	Schafer, Wis.
Bacharach	Dickstein	Kading	Sears
Bacon	Dorsey	Kendall, Ky.	Seger
Baird	Douglas, Ariz.	Kerr	Seiberling
Bankhead	Doutrich	Ketcham	Shaffer, Va.
Beck	Drewry	Knutson	Short, Mo.
Beedy	Eaton, Colo.	Kopp	Simms
Beers	Eaton, N. J.	Korell	Sloan
Blackburn	Elliott	Lambertson	Smith, Idaho
Bland	Ellis	Langley	Smith, W. Va.
Blanton	Englebright	Lanham	Snell
Bloom	Estep	Lankford, Va.	Sparks
Bohn	Evans, Calif.	Leavitt	Sproul, Kans.
Bolton	Finley	Leach	Stalker
Bowman	Fish	Lehlbach	Stobbs
Boylan	Fitzgerald	Letts	Strong, Pa.
Brand, Ga.	Fitzpatrick	Lindsay	Sullivan, N. Y.
Brand, Ohio	Fort	Linthicum	Sullivan, Pa.
Brigham	Foss	Loofbourow	Summers, Wash.
Britten	Free	Luce	Swick
Browning	Freeman	McClintock, Ohio	Taber
Burdick	French	McCormick, Ill.	Tarver
Busby	Fuller	McDuffie	Taylor, Tenn.
Butler	Fulmer	McKeown	Thatcher
Cable	Gasque	McLeod	Thurston
Campbell, Iowa	Gibson	Manlove	Tilson
Campbell, Pa.	Gifford	Mansfield	Timberlake
Canfield	Glover	Martin	Tinkham
Carley	Goodwin	Mead	Treadway
Carter, Calif.	Goss	Menges	Turpin
Carter, Wyo.	Green	Michener	Underhill
Cartwright	Guyer	Mooney	Vestal
Chalmers	Hadley	Morgan	Vincent, Mich.
Chindblom	Hale	Mouser	Wainwright
Chiperfield	Hall, Ill.	Murphy	Walker
Christopherson	Hall, Ind.	Nelson, Me.	Warren
Clancy	Halsey	Niedringhaus	Wason
Clark, N. C.	Hancock, N. Y.	Norton	Watres
Clarke, N. Y.	Hardy	O'Connor, Okla.	Welch, Calif.
Cochran, Pa.	Hartley	Oliver, N. Y.	Welsh, Pa.
Cole	Hastings	Owen	White
Collier	Haugen	Palmisano	Whitley
Colton	Hess	Parks	Wigglesworth
Connolly	Hoch	Perkins	Williamson
Cooper, Ohio	Hogg, Ind.	Pittenger	Wolverton, N. J.
Corning	Hogg, W. Va.	Pou	Wolverton, W. Va.
Cox	Holaday	Pratt, Harcourt J.	Wood
Coyle	Hooper	Pratt, Ruth	Woodrum
Cramton	Hope	Purnell	Wright
Cross	Hopkins	Ragon	
Crowther	Hudson	Ramey, Frank M.	
Culkin	Hull, William E.	Ransley	

NAYS—148

Abernethy	Cooper, Wis.	Gregory	Lozier
Ackerman	Craddock	Griffin	Ludlow
Allen	Crail	Hall, N. Dak.	McCormack, Mass.
Almon	Crisp	Hancock, N. C.	McFadden
Arnold	Crosser	Hare	McLaughlin
Ayres	Dempsey	Hickey	McMillan
Barbour	DeRouen	Hill, Ala.	McReynolds
Black	Dominick	Hill, Wash.	McSwain
Box	Doughton	Houston, Del.	Maas
Briggs	Dowell	Howard	Magrady
Browne	Doxey	Huddleston	Mapes
Brumm	Driver	Hull, Morton D.	Merritt
Brunner	Dunbar	Hull, Tenn.	Miller
Buchanan	Edwards	Hull, Wis.	Milligan
Burtness	Eslick	James, Mich.	Montague
Byrns	Esterly	Jeffers	Montet
Cannon	Evans, Mont.	Johnson, Okla.	Moore, Ky.
Celler	Fisher	Johnson, Tex.	Moore, Ohio
Christgau	Frear	Jones, Tex.	Moore, Va.
Clague	Gambrill	Kearns	Moorehead
Cochran, Mo.	Garber, Okla.	Kelly	Nelson, Mo.
Collins	Garner	Kinzer	Nelson, Wis.
Condon	Gavagan	Kurtz	Nolan
Connery	Goldsborough	Kvale	O'Connor, N. Y.
Cooke	Granfield	LaGuardia	Oldfield
Cooper, Tenn.	Greenwood	Lankford, Ga.	Oliver, Ala.

Palmer	Rayburn	Somers, N. Y.	Vinson, Ga.
Parker	Reilly	Speaks	Whittington
Parsons	Robinson	Stafford	Wilson
Patman	Romjue	Steagall	Wingo
Patterson	Rutherford	Stone	Wolfenden
Peavey	Sandlin	Sumners, Tex.	Woodruff
Prall	Schneider	Swanson	Wyant
Quin	Selvig	Swing	Yon
Rainey, Henry T.	Shott, W. Va.	Taylor, Colo.	Zihlman
Ramseyer	Simmons	Temple	
Ramspeck	Sinclair	Tucker	
Rankin	Snow	Underwood	

NOT VOTING—54

Allgood	Garrett	Kennedy	Sirovich
Bachmann	Golder	Kiefner	Spearing
Bell	Graham	Kunz	Sproul, Ill.
Buckbee	Hall, Miss.	Larsen	Stevenson
Chase	Hawley	Lea	Strong, Kans.
Clark, Md.	Hoffman	McClintic, Okla.	Thompson
Denison	Hudspeth	Michaelson	Watson
Douglass, Mass.	Igoe	Newhall	Whitehead
Doyle	Johnson, Ind.	O'Connor, La.	Williams
Drane	Johnson, S. Dak.	Pritchard	Wurzbach
Dyer	Johnston, Mo.	Reid, Ill.	Yates
Erk	Kahn	Rowbottom	
Fenn	Kemp	Sabath	
Garber, Va.	Kendall, Pa.	Shreve	

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Graham with Mr. Stevenson.
Mr. Buckbee with Mr. Hall of Mississippi.
Mr. Dyer with Mr. Allgood.
Mr. Hawley with Mr. Larsen.
Mr. Golder with Mr. Williams.
Mr. Reid of Illinois with Mr. Igoe.
Mr. Shreve with Mr. Drane.
Mr. Erk with Mr. Kennedy.
Mr. Bachmann with Mr. McClintic of Oklahoma.
Mr. Johnson of South Dakota with Mr. Bell.
Mr. Watson with Mr. Douglass of Massachusetts.
Mr. Chase with Mr. Kemp.
Mr. Denison with Mr. Garrett.
Mr. Kendall of Pennsylvania with Mr. Kunz.
Mr. Wurzbach with Mr. O'Connor of Louisiana.
Mr. Sproul of Illinois with Mr. Sabath.
Mr. Pritchard with Mr. Whitehead.
Mr. Kiefner with Mr. Lea.
Mr. Garber of Virginia with Mr. Sirovich.
Mr. Fenn with Mr. Hudspeth.
Mrs. Kahn with Mr. Doyle.

Mr. HOGG of West Virginia. Mr. Speaker, my colleague, Mr. BACHMANN, is in Harrisonburg addressing the American Legion. I am unable to state how he would vote were he present.

The result of the vote was announced as above recorded.

The SPEAKER. At this point the Chair is prepared to recognize a request for unanimous consent that Senate Joint Resolution 3 as amended by the present House resolution be considered in lieu of the House resolution.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. Do I understand the Speaker's suggestion to be to move to substitute, by unanimous consent, the Senate resolution and pass the Senate resolution with all after the resolving clause stricken out and substituting therefor the language that the Committee of the Whole has just agreed to?

The SPEAKER. Exactly. The Chair thinks that perhaps the best method would be, if consent is given, for the gentleman from Massachusetts to move to strike out from the Senate resolution all after the resolving clause and substitute the language of the House resolution.

Mr. CRISP. If no member of the committee desires to make that request, in order to expedite matters—which sends the Senate resolution to the Senate and it will be immediately in order to ask for a conference—I will make the request.

Mr. GIFFORD rose.

Mr. CRISP. If the gentleman from Massachusetts is going to make the request, I do not desire to make it. He is entitled to make it.

The SPEAKER. The Chair thinks that is the fair, square thing to do.

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 3 at this point instead of the House joint resolution, substituting the language of the House resolution.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of Senate Joint Resolution 3 instead of the House joint resolution just passed, and to substitute the language of the House resolution for that of the Senate resolution. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Senate Joint Resolution 3

Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress.

Mr. GIFFORD. Mr. Speaker, I move to strike out all after the resolving clause and insert in lieu thereof the following, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. GIFFORD moves to strike out all after the resolving clause in Senate Joint Resolution 3 and insert in lieu thereof the following:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"'ARTICLE —

"'SECTION. 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"'SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

"'SEC. 3. If the President elect dies, then the Vice President elect shall become President. If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified; and the Congress may by law provide for the case where neither a President elect nor a Vice President elect has qualified, declaring who shall then act as President, or the manner in which a qualified person shall be selected, and such person shall act accordingly until a President or Vice President has qualified.

"'SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

"'SEC. 5. Sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified.

"'SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission.'"

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. GIFFORD].

The motion was agreed to.

The joint resolution (S. J. Res. 3) was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the resolution.

Mr. UNDERHILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERHILL. This requires a two-thirds vote?

The SPEAKER. Yes.

Mr. UNDERHILL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 290, nays 93, answered "present" 1, not voting 47, as follows:

[Roll No. 38]

YEAS—290

Abernethy	Arnold	Bankhead	Bolton
Adkins	Aswell	Barbour	Bowman
Allgood	Auf der Heide	Beedy	Box
Almon	Ayres	Black	Boylan
Andresen	Bacon	Bloom	Brand, Ga.
Arentz	Baird	Bohn	Brand, Ohio

Briggs	Evans, Calif.	Korell	Ramseyer
Britten	Evans, Mont.	Kvale	Ramspeck
Browne	Fish	LaGuardia	Rayburn
Browning	Fisher	Lambertson	Reed, N. Y.
Brunner	Fitzgerald	Lanham	Reilly
Buchanan	Fitzpatrick	Lankford, Ga.	Robinson
Buckbee	Frear	Lankford, Va.	Romjue
Burtness	Free	Leavitt	Rutherford
Busby	Freeman	Letts	Sanders, Tex.
Butler	Fuller	Lindsay	Sandlin
Byrns	Fulmer	Linthicum	Schafer, Wis.
Cable	Gambrill	Loofbourow	Schneider
Campbell, Iowa	Garber, Okla.	Lozier	Sears
Canfield	Garber, Va.	Luce	Seger
Cannon	Garner	Ludlow	Seiberling
Carley	Gasque	McClintock, Ohio	Selvig
Carter, Calif.	Gavagan	McCormack, Mass.	Shaffer, Va.
Carter, Wyo.	Gibson	McCormick, Ill.	Short, Mo.
Cartwright	Gifford	McDuffie	Simmons
Celler	Glover	McKeown	Simms
Chalmers	Goodwin	McLaughlin	Sinclair
Chindblom	Goss	McLeod	Sloan
Christgau	Granfield	McMillan	Smith, Idaho
Christopherson	Green	McReynolds	Smith, W. Va.
Clague	Greenwood	McSwain	Snow
Clancy	Gregory	Maas	Sparks
Clark, N. C.	Guyer	Manlove	Speaks
Clarke, N. Y.	Hadley	Mansfield	Sproul, Kans.
Cochran, Mo.	Hall, Ill.	Mapes	Stafford
Cochran, Pa.	Hall, N. Dak.	Martin	Stalker
Collier	Halsey	Mead	Stobbs
Collins	Hancock, N. Y.	Michener	Stone
Colton	Hancock, N. C.	Miller	Sullivan, N. Y.
Condon	Hare	Milligan	Summers, Wash
Connery	Hastings	Montet	Swanson
Cooke	Haugen	Mooney	Swing
Cooper, Ohio	Hess	Moore, Ky.	Tarver
Cooper, Tenn.	Hickey	Moore, Ohio	Taylor, Colo.
Cooper, Wis.	Hill, Wash.	Morehead	Taylor, Tenn.
Corning	Hoch	Morgan	Thatcher
Cox	Hogg, Ind.	Mouser	Thurston
Coyle	Hogg, W. Va.	Nelson, Me.	Timberlake
Craddock	Holaday	Nelson, Mo.	Turpin
Crail	Hooper	Nelson, Wis.	Underwood
Cramton	Hope	Niedringhaus	Vestal
Crisp	Hopkins	Nolan	Vincent, Mich.
Cross	Howard	Norton	Vinson, Ga.
Crosser	Huddleston	O'Connor, Okla.	Wainwright
Culkin	Hudson	Oldfield	Walker
Cullen	Hull, Morton D.	Oliver, Ala.	Warren
Dallinger	Hull, William E.	Oliver, N. Y.	Watres
Davenport	Hull, Tenn.	Owen	Welch, Calif.
Davis	Hull, Wis.	Palmisano	White
DeRouen	James, Mich.	Parks	Whitley
Dickinson	James, N. C.	Parsons	Whittington
Dickstein	Jeffers	Patman	Williamson
Dominick	Jenkins	Patterson	Wilson
Dorsey	Johnson, Ind.	Peavey	Wingo
Doughton	Johnson, Nebr.	Pittenger	Wolverton, N. J.
Dowell	Johnson, Okla.	Pou	Wolverton, W. Va.
Doxey	Johnson, Tex.	Prall	Woodruff
Drewry	Johnson, Wash.	Pratt, Ruth	Woodrum
Driver	Jones, Tex.	Purnell	Wright
Edwards	Kading	Quin	Yon
Ellis	Kelly	Ragon	Zihlman
Englebright	Kerr	Rainey, Henry T.	
Eslick	Ketcham	Ramey, Frank M.	

NAYS—93

Ackerman	Dunbar	Kinzer	Shott, W. Va.
Aldrich	Eaton, Colo.	Knutson	Snell
Allen	Eaton, N. J.	Kopp	Somers, N. Y.
Andrew	Elliott	Kurtz	Steagall
Bacharach	Erk	Langley	Strong, Pa.
Beck	Estep	Leech	Sullivan, Pa.
Beers	Esterly	Lehlbach	Sumners, Tex.
Blackburn	Finley	McFadden	Swick
Bland	Fort	Magrady	Taber
Blanton	Foss	Menges	Temple
Brigham	French	Merritt	Tilson
Brumm	Goldsborough	Montague	Tinkham
Burdick	Griffin	Murphy	Treadway
Campbell, Pa.	Hale	O'Connor, N. Y.	Tucker
Chiperfield	Hall, Ind.	Palmer	Underhill
Cole	Hardy	Parker	Wason
Connolly	Hartley	Perkins	Welsh, Pa.
Crowther	Hawley	Pratt, Harcourt J.	Wigglesworth
Darrow	Hill, Ala.	Rankin	Wolfenden
Dempsey	Houston, Del.	Ransley	Wood
Denison	Irwin	Reece	Wyant
De Priest	Johnson, Ill.	Rich	
Douglas, Ariz.	Kearns	Rogers	
Doutrich	Kendall, Ky.	Sanders, N. Y.	

ANSWERED "PRESENT"—1

Jonas, N. C.

NOT VOTING—47

Bachmann	Fenn	Johnson, S. Dak.	Larsen
Bell	Garrett	Johnston, Mo.	Lea
Chase	Golder	Kahn	McClintick, Okla.
Clark, Md.	Graham	Kemp	Michaelson
Douglass, Mass.	Hall, Miss.	Kendall, Pa.	Moore, Va.
Doyle	Hoffman	Kennedy	Newhall
Drane	Hudspeth	Kiefner	O'Connor, La.
Dyer	Igoe	Kunz	Pritchard
Reid, Ill.	Sirovich	Strong, Kans.	Williams
Rowbottom	Spearing	Thompson	Wurzbach
Sabath	Sproul, Ill.	Watson	Yates
Shreve	Stevenson	Whitehead	

So (two-thirds having voted in favor thereof) the joint resolution was agreed to.

The following pairs were announced:

Mr. Jonas of North Carolina and Mr. Chase (for) with Mr. Graham (against).

Mr. Reid of Illinois and Mr. Johnson of South Dakota (for) with Mr. Hoffan (against).

Mr. Sirovich and Mr. Kennedy (for) with Mr. Kendall of Pennsylvania (against).

Mr. Kiefner and Mr. Igoe (for) with Mr. Shreve (against).

Mr. Pritchard and Mr. Larsen (for) with Mr. Fenn (against).

Mr. Bell and Mr. Sabath (for) with Mr. Moore of Virginia (against).

Mr. Garrett and Mr. Douglass of Massachusetts (for) with Mr. Golder (against).

Mr. McClintic of Oklahoma and Mr. Sproul of Illinois (for) with Mr. Watson (against).

Additional general pairs:

Mr. Dyer with Mr. Drane.
Mrs. Kahn with Mr. Lea.
Mr. Johnston of Missouri with Mr. Stevenson.
Mr. Strong of Kansas with Mr. Williams.
Mr. Yates with Mr. Doyle.
Mr. Newhall with Mr. Hall of Mississippi.
Mr. Clark of Maryland with Mr. Hudspeth.
Mr. Michaelson with Mr. Spearing.
Mr. Wurzbach with Mr. O'Connor of Louisiana.

Mr. HOGG of West Virginia. Mr. Speaker, my colleague, Mr. BACHMANN, is absent in Harrisonburg addressing the American Legion. I do not know how he would vote if here.

Mr. JONAS of North Carolina. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. GRAHAM. I withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

House Joint Resolution 292 was laid on the table.

On motion of Mr. GIFFORD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. JEFFERS. Mr. Speaker, I ask unanimous consent that all Members have five legislative days to extend their remarks on the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. SELVIG. Mr. Speaker and Members of the House, in the protracted fight which has been made to pass a resolution abolishing the so-called "lame-duck" sessions of Congress support for the resolution has been steadily growing. I have viewed this legislation favorably for a long time. To me it is in line with the progressive political thought and should be given approval.

Volumes have been written and multitudinous speeches have been made for and against this proposal. Its terms are familiar to all Members of this body and to the country as well. The principal change involved is the abolition of the so-called "lame-duck" session of Congress. It is this part of the resolution that, in my opinion, is of the greatest importance to the country.

Let me briefly recall the provisions of the Constitution now in effect and the effect of the proposed changes. The Constitution went into operation on March 4, 1789, although ratification had been completed the previous September. It followed that the terms of Members of Congress and of Presidents, being fixed hard and fast as to duration, would always begin and end on March 4. The Constitution also provides that the regular sessions of Congress shall convene on the first Monday in December, with power reserved for Congress to appoint a different day. Members elected in November, therefore, do not take office until the following March 4. In the meanwhile, however, there will have been a session of Congress. This session, lasting from December to March 4, is known as the "lame-duck" session, because it contains Members who may have been defeated in November.

The proposed amendment would start the sessions of Congress as well as terms of Members on January 4. Members elected in November would begin serving in January. In this way the will of the people would go into action immediately, instead of being held in suspension while Members who were not reelected through their own voluntary retirement or through being retired by will of their constituents continue to exercise authority.

Another result would be the abolition of the alternate short session. Instead of having a short session from December to March 4 every odd-numbered year, all sessions would begin in January. Each session should continue until Congress was ready to adjourn. It is clear that under such a system many of the worst evils of the filibuster would disappear, since the possibility of effectively tying up Congress's business by protracted delay is good only where there is an imminent and forced adjournment.

The whole argument in favor of the adoption of this resolution can be summed up in the statement that it is not a sound principle for any session of Congress to be held after the people have expressed themselves in any election on any issue except by the new Congress and new Representatives coming into power as the result of that election.

At the present time a new Member elected in November of an even-numbered year does not enter upon his duties as a lawmaker on the floor of the House until the Congress convenes in December of the year following, although his term begins on the 4th of March following his election. Thirteen months elapse before he can take his seat. Thirteen months elapse before the will of the people who elected him can find expression through his voice and vote on the vital issues of the day.

There was a reason for this procedure in the early years of our Republic when means of travel and of communication were poor. This condition no longer exists. The archaic system under which we are operating has no place in this age when news is flashed without an instant's delay to the farthest corners of our country. Congress, if need be, could be assembled within a very few days after the election day.

A most important provision that must be guarded against is the retention of a fixed date for the adjournment of Congress. I am against a fixed date for adjournment. The inclusion of an amendment to fix the date of adjournment would vitiate the effectiveness of the pending resolution to abolish the "lame-duck" session. The Members of Congress themselves can decide this question of adjournment on the basis of the legislative program before them. The fixed date should be eliminated.

Efficient self-government requires that the machinery thereof be made simple, and that Congress shall be responsive to the will of the people.

The discussion of this important measure has been carried on for many years. The time for action has come. The American people will not brook further delay in changing a provision in our Constitution which has been found to be obsolete. True progress demands that this be done.

Mr. CABLE. Mr. Speaker, this proposed amendment provides that the new Congress shall convene and the President elect shall be inaugurated approximately two months after the election. The House resolution sets January 4 as the date for Congress to convene, and January 24 for the inauguration of the President. This proposed change is the well-known lame-duck provision of the amendment. By its terms Members of the new Congress, and not the old, would legislate immediately after a general election.

The present Congress is the seventy-first. Its Members were elected in November, 1928, but they did not take office until March 4, 1929. Had President Hoover not called a special session the Members of this Congress would not have assembled for the first time until December 2, 1929—13 months after the election. So it will be too with the Seventy-second Congress. The Members were elected last November, but they will not convene until next December, unless a special session is called.

This resolution, however, contains provisions of even greater importance than the lame-duck provision. Under our present system there is a possibility that the President elect might die, might become disabled, or might be found disqualified prior to the time for his inauguration. The same thing might happen to the Vice President elect. Then, who would be President?

It was a difficult task for our forefathers to decide upon the method of electing a President when they were drafting the Constitution. In fact, many different methods were proposed by the Delegates to the Constitutional Convention at Philadelphia in 1787. Some of the delegates suggested that the Chief Executive be elected by Congress. Others insisted that he be elected by a direct vote of the people, while still others felt that he should be elected by the governors of the different States.

After thorough study and debate, the delegates agreed upon a compromise plan by which the President would be elected indirectly by the people. Each State was to appoint as many electors as that State had Senators and Representatives in Congress "in such manner as the legislature" of each State "may direct." The idea was to place the choice of the President in a small body of citizens. The electors were to be carefully chosen—men who could consider the fitness of all persons available for the Presidency, free from the influence of a heated and excited campaign.

While the States were to select the electors, the delegates to the Constitutional Convention gave Congress authority to determine when they should be chosen and when they should cast their votes. Later Congress by law placed the national election on "the Tuesday next after the first Monday in November, in every fourth year." The day for the electors to meet and cast their votes was set as the second Monday in January following the election. Congress also fixed the second Wednesday in February as the day Congress should count the electoral votes.

The Constitution did not set the day for the inauguration of the President. This was one of the many details of starting the machinery of the new government which were left to the old Continental Congress. The delegates to the Constitutional Convention did not know when the Constitution would be ratified. It was ratified by the ninth State on July 2, 1788, and thereupon became operative. But in the meantime arrangements had to be made for the election and inauguration of the President and for commencing the proceedings under the Constitution. On September 13, 1788, the Continental Congress set "the first Wednesday in March next" (March 4, 1789) as the day when Congress should convene and the President should be inaugurated.

While some of the Representatives and Senators elect did meet in New York City on March 4, 1789, the House did not secure a quorum until April 1, and the Senate not until April 6. In those days people had to travel on horseback or by coach. Transportation and communication were extremely slow and difficult. It was because of these circumstances that the officers of the new government were unable to arrive in New York and assume the duties of their offices until after March 4, the date specified by the Continental Congress.

The House was organized on April 2, and the Senate on April 6. John Langdon, of Virginia, was elected President of the Senate. The Senate then advised the House that it was organized and prepared to open the certificates and count the votes of the electors in the choice of a President and Vice President. The House passed a resolution, and the—

Speaker accordingly left the chair, and, attended by the House, withdrew to the Senate Chamber.

Langdon, as President of the Senate, in the presence of the two Houses, opened the certificates and counted the votes of the electors. Twelve candidates were named by the electors, but every one of the electors voted for George Washington as President. This left 11 candidates for Vice President. However, John Adams received the second highest number of electoral votes, and therefore was elected Vice President.

The record of that count appears on page 18 of Gales and Seaton's History of the Debates and Proceedings of the United States Congress, and is as follows:

State	George Washington, Esq.	John Adams, Esq.	Samuel Huntingdon, Esq.	John Jay, Esq.	John Hancock, Esq.	Robert H. Harrison, Esq.	George Clinton, Esq.	John Rutledge, Esq.	John Milton, Esq.	James Armstrong, Esq.	Edward Telfair, Esq.	Benjamin Lincoln, Esq.
New Hampshire	5	5	----	----	----	----	----	----	----	----	----	----
Massachusetts	10	10	----	----	----	----	----	----	----	----	----	----
Connecticut	7	5	2	----	----	----	----	----	----	----	----	----
New Jersey	6	1	----	5	----	----	----	----	----	----	----	----
Pennsylvania	10	8	----	----	2	----	----	----	----	----	----	----
Delaware	3	----	----	3	----	----	----	----	----	----	----	----
Maryland	6	----	----	----	----	6	----	----	----	----	----	----
Virginia	10	5	----	1	1	----	3	----	----	----	----	----
South Carolina	7	----	----	----	1	----	----	6	----	----	----	----
Georgia	5	----	----	----	----	----	----	----	2	1	1	1
Total	69	34	2	9	4	6	3	6	2	1	1	1

By this vote of the electors George Washington, Esq., was elected President and John Adams, Esq., Vice President of the United States of America.

When the approval of the House was received, the Senate appointed a committee to notify Washington and Adams of their election. Charles Thomson notified Washington that he had been elected the first President of the United States, and Sylvanus Bourn notified Adams that he had been chosen Vice President. Washington was inaugurated to the Presidency on April 30, 1789.

Thus, in 1789 the electoral system worked as its authors intended. Again in 1792 every elector cast his vote for George Washington, although there were four candidates for the Presidency. In 1796 there were 13 candidates. Out of that number John Adams was elected President and Thomas Jefferson Vice President. The electors were still exercising their judgment quite independently and in the manner the framers of the Constitution had in mind when they adopted the Electoral College plan.

But in 1800 the system broke down completely. By that time two strong and hostile parties, the Democrats and the Federalists, had developed. In advance of the November election each party had named its candidates for President and Vice President and had placed before the voters in each State lists of names of persons who, if chosen as electors, would vote for their candidates.

Thomas Jefferson and Aaron Burr were the candidates of the Democrats, and John Adams and C. C. Pinckney were those named by the Federalists. When the electoral votes were counted it was found that Jefferson and Burr were first, with 73 votes each, while Adams had 65. Because of the tie between Jefferson and Burr the election was thrown into the House of Representatives. After considerable effort Jefferson was elected President over Burr.

Within 12 years after the ratification of the Constitution political parties had developed and defeated the one purpose for which the electoral system existed. Electors no longer exercised independent judgment; they were committed beforehand to vote for the candidates of their parties, and the registering of their votes had become a mere formality. This was exactly what the voters at the general election of 1800 expected. But in this short decade a remarkable change was made in the operation of the Constitution without altering a single word of its text, and the Electoral College, as a body only to register the votes of the people, continues to exist to this day.

Before another presidential election occurred, arrangements were made to prevent the recurrence of such a contest as that between Jefferson and Burr—the twelfth amendment was adopted. That amendment provides that the electors shall—

Name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President.

If none of the candidates is elected President by the majority vote of the electors—

Then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President.

If no person receives a majority vote of the electors for Vice President, "then from the two highest numbers on the list, the Senate shall choose the Vice President." If the election is thrown into the House and if it fails by March 4 to elect a President—

Then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

After this amendment went into effect the two offices were dealt with separately. The difficulty of 1800 could not reappear, although the election of President might still be thrown into the House, and the election of Vice President into the Senate.

Under the original electoral plan all candidates considered by the electors were candidates alike for President and Vice President. But when political parties arose and the Electoral College became merely a means for registering the votes of the people for the candidates the parties had named, it was found that there was no definition of the qualifications for Vice President. A foreigner might be elected as Vice President and then, upon the death, disability, or disqualification of the President, become President of the United States. Since the electoral plan of the framers of the Constitution had fallen, some provision had to be made concerning the qualifications of the Vice President. This also was taken care of in the twelfth amendment, which provides:

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

Thereafter the offices were dealt with separately, but the same qualifications applied to both. The Vice President, like the President, must be a natural-born citizen, 35 years of age, and for 14 years a resident of the United States.

The twelfth amendment did not take care of some of the problems arising in the election of the President and Vice President. But the machinery is not yet perfect. There are still many serious situations which might arise in this connection for which there is no provision in either the Constitution or the Federal statutes.

These problems have been well stated by the Hon. William Tyler Page, author of the American's Creed, a thorough student of history, and for many years the able, efficient, and courteous Clerk of the House of Representatives.

Among the questions raised by Mr. Page are the following:

If the election of the President were thrown into the House of Representatives and the election of the Vice President into the Senate, who would act as President in case neither a President nor Vice President were elected by the House and Senate by March 4?

Suppose the President elect and the Vice President elect both should die, become disabled, or be found disqualified before March 4; who would be President?

Would there have to be a special election, or could some official already in office serve as President?

As the law now stands there is a provision for succession to the Presidency in the event both the incumbent President and Vice President should be impeached, die, or become disabled during the term of their office. There is also a provision that where the election of the President is thrown into the House and that body—

Shall not choose a President * * * before the 4th day of March next following, then the Vice President shall act as President.

But this latter provision is not at all clear. Does it mean that the retiring Vice President or that the Vice President elect shall act as President?

Then, too, the possibility of the President elect and the Vice President elect both dying or becoming disabled or disqualified before the inauguration is not provided for in either the Constitution or our statutes. There would be no President of the United States if this were to happen, for the term of the incumbent President would by law end on March 4.

The only provisions in our law now deal with succession to the Presidency in case both the incumbent President and Vice President should die, become disabled, or be impeached. The act of 1886 provides that in this particular case the

Presidency should successively fall to the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Postmaster General, the Secretary of the Navy, and the Secretary of the Interior.

If no new President or Vice President should be elected, the Presidency would then stand vacant after March 4. The same thing is also true in the event both the President elect and Vice President elect should die, become disabled, or be found disqualified prior to the date for the inauguration. Furthermore, since Congress has only delegated powers and powers necessarily to be implied from those delegated powers, and since nowhere in the Constitution is the power given Congress to pass laws which would provide for the election of a President if the President elect and Vice President elect should die before March 4, Congress now has no authority to pass such a law.

All of these serious problems would be fully taken care of by the passage and ratification of the lame-duck amendment. Two of the principal provisions of that amendment are explained in the report of the Committee on Election of President, Vice President, and Representatives in Congress, prepared by the chairman, the Hon. CHARLES L. GIFFORD, of Massachusetts. Part of that report reads:

> The Vice President elect will act as President in the event that the President elect should die before the time fixed for the beginning of his term.
>
> Congress is also given power to provide for the case where neither a President nor a Vice President has qualified before the time fixed for the beginning of the term, whether the failure of both to qualify is occasioned by the death of both, by the failure of the House to choose a President, if the right devolves upon them, and of the Senate to choose a Vice President, if the right of choice devolves upon them, or by any other cause.

The resolution itself also provides:

> If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified.

This amendment, therefore, would eliminate the possibility of serious difficulty arising because no President has been elected. Should the President elect die, become disabled, or prove unqualified, or should the House fail to elect a President when that duty falls upon it, the Vice President elect would become President. Furthermore, Congress would be empowered to provide by law for an acting President in the event that there is not a duly elected or qualified President or Vice President to assume the Presidency. No longer would there be a possibility that at some time we might find ourselves without a President of the United States.

Aside from the problems presented by Mr. Page there is still another serious contingency which might arise in connection with the election of the President.

If the electors fail to elect a President, the election is thrown into the House of Representatives. If they fail to elect a Vice President, the election must be made by the Senate. Under the present law, by the provisions of which the Members of the new Congress do not take office until March 4, the day of inauguration, and do not convene regularly until nine months after the inauguration, the duty of electing a President and Vice President under these circumstances would fall upon the Members of the lame-duck session of the old Congress. In other words, the President and Vice President might be elected by a Congress soon to go out of existence and whose Members belong to a party which may have been defeated in the election. Consequently, the Congress might constitutionally elect a President and Vice President who in no way would reflect the will of the people expressed at the general election.

This lame-duck provision, of course, is not as important as the provisions dealing with presidential succession; but it is an important incident to those major provisions of the amendment.

In my mind the principal objection to the lame duck provision as it is now written is that the 20-day period between the time specified for Congress to convene and the day for the inauguration of the President is not sufficiently long. In the near future we may have more than two strong political parties. This might result in throwing the election into the House. With a 3-party system and the election thrown into the House, 20 days would not be a sufficient time to organize and elect a President. The same situation would no doubt arise in the Senate, so that on the day of inauguration the Union would be without a duly elected President and Vice President.

The resolution, as passed by the Senate, provides for a still shorter time, 13 days, for the House to elect a President when that duty falls upon it. It is true that the amendment also carries the provision—

> And the Congress may by law provide for the case where neither a President elect or a Vice President elect is qualified, declaring who shall act as President and the manner in which a qualified person shall be selected, and such person shall act accordingly until a President and Vice President have qualified.

While this is a saving clause, yet, with the Presidency as a prize, the 15 or 20 days intervening between the assembling of the new Congress and the inauguration day would very likely be so filled with political intrigue that the election of a President would be impossible.

The reasons which prompted the provision for a delay in convening Congress no longer exist. Compare conditions to-day with those which existed in Washington's time. In those days it sometimes took six weeks to go from Baltimore to Philadelphia. There was no telephone, no telegraph. The mails were slow. People traveled only on horseback, in coaches, or on slow river boats. It might take months to communicate the results of an election to the successful candidates. In that period of our history life was relatively simple. Now we have fast trains, automobiles, telephones, the telegraph, and radio. Our country is vastly larger than it was then. Our problems are more complex. New problems are arising all the time. We need new governmental machinery which will respond to the needs of the American people.

If we should have more than two political parties and the election should be thrown into the House, the will of the people might not be expressed, should those defeated in the last general election vote for a candidate of their own political party.

It is most unfortunate that no action can be taken on this resolution during the present short session of Congress. The Members of the House and Senate who were appointed conferees to iron out the differences between the resolutions passed by the House and Senate have been unable to agree. The resolution is therefore dead. It is my opinion that when the resolution comes up in the next Congress it should provide for more time between the convening of Congress and the inauguration of the President.

When the resolution is finally passed by a two-thirds majority of both Houses of Congress, it will be enrolled, signed by the Speaker of the House and the Vice President, and transmitted to the various States of the Union.

The editor of one of America's leading newspapers just a few days ago wrote in an editorial appearing in his paper:

> This resolution ought to be vetoed by President Hoover.

This statement surprises me, for a moment's reflection would have recalled to that editor's mind the fact that no resolution to amend the Constitution ever goes to the President for his approval. After the resolution passed by both Houses is received by the Secretary of State, he transmits copies of it to the executive authority in each of the several States. When the resolution has been ratified by the legislatures of three-fourths of the several States, the Secretary of State issues a proclamation of that fact. But it is not the proclamation of the Secretary of State that makes the amendment operative. The amendment becomes effective as soon as it has been ratified by the legislatures of two-thirds of the States.

Mr. SCHNEIDER. Mr. Speaker, the joint resolution proposing an amendment to the Constitution which we are now considering has been sent to the House by the Senate on five different occasions. It has been passed by that body in every Congress since the Sixty-seventh and has been sidetracked or defeated by this body on each occasion. It is

now time that we perform the duty that we have so long neglected. It is our imperative obligation to the people of the United States that we act upon and pass this resolution.

Briefly the resolution contemplates:

Section 1: That the terms of the President and Vice President shall end on the 24th day of January and the terms of Senators and Representatives at noon on the 4th day of January of the years in which such terms would have ended if this article had not been ratified.

Section 2: That the Congress shall assemble at least once each year, and that such meeting shall be on the 4th day of January unless the Congress shall by law appoint a different day.

Section 3: That upon the death of the President elect the Vice President elect shall become President and shall serve as President until a President is chosen. This section also authorizes Congress to provide by law for the choosing of a President and Vice President should such a contingency arise in which neither is ready to take office at the expiration of the term of the previous incumbent.

Section 4: That the Congress may provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and the same power is given the Senate in choosing the Vice President.

Section 5: That the first two sections shall take effect on the 30th day of November of the year following the year in which this article is ratified.

Section 6: That ratification shall be by State legislatures the entire membership of at least one branch of which shall have been elected after the amendment is submitted to it.

There is no reason in creation why this bill should not pass. The practice of allowing a body of men repudiated by the people in our biennial fall elections to remain in office for a full term thereafter is contra to the very fundamental principles of democracy upon which the entire governmental structure of these United States is based.

Under present conditions a year and one month elapse before those Members who have been newly elected meet in regular session. Elected in November, they actually take office as of March 4, but the next regular session of the Congress following that which terminates on that date does not meet until the first Monday in December. At the time of the adoption of the Constitution there was some justification for such a long delay. We were living in what might be termed a stage-coach era. We had no railroads and telegraphic communication was undreamed of. With the very slow means of transportation and communication of those days it was a matter of months before the results of an election were known. To-day, however, we know the result of an election within a few hours of the closing of the polls. Washington, D. C., may be reached within a few days from the remotest section of the country.

Until the adoption of the seventeenth amendment there was a measure of justification in retaining March 4 as the date of taking office. That amendment provided for the popular election of Senators. Before its adoption Senators were elected by the legislatures of their States, and the great majority of these legislatures did not meet until after the beginning of the new year. It was therefore difficult for these State legislative bodies to settle upon the election of the Senator until February or March. Now Senators are elected by the people at the same time their Representatives are elected. There is therefore no longer any reason why newly elected Representatives and Senators should not be sworn in and enter upon their duties as soon as the beginning of the new year after their election.

The reactionary forces in this House are determined that the old order and the present order shall stand. They are determined that we shall not make a forward step lest liberalism enter and interfere with their ability to serve specially privileged interests. Others regard the Constitution as the holy of holies, which must never be removed from the ark in the inner temple. The very thought of changing a word therein is blasphemy. I revere our Constitution. I should be the last person to advocate discarding it. I think the Constitution the mightiest document for the Government of man which has been conceived of by mankind. However, with that famous old English poet, Pope, I say:

> Whoever thinks a faultless piece to see,
> Thinks what ne'er was, nor is, nor e'er shall be.

I do not think that I can accept the whole of the philosophy expressed in that couplet of Pope's, but it is certainly a truism as to its past and present application.

Here is a condition any reasonable man must admit is in need of correction. The right of the people to express themselves through their chosen representatives is the crowning achievement of history, yet we continue to tolerate a situation whereby those who have been repudiated continue through an entire session of Congress representing a people who have expressed lack of confidence in them. I have not heard any argument worthy of the name against this proposal, nor can I conceive of any logical reason to permit the so-called lame-duck session to continue.

The establishment of January 4 as the date for the convening of the Congress is excellent. I believe it the best possible time to meet. It is the time in which practically all of our State legislatures convene. Sufficient time is thereby allowed newly elected Members to arrange their private affairs prior to leaving for the Capital City.

The change in the date for inauguration of the President and Vice President to January 24 is also a wise amendment. I am in hearty accord with it. The inauguration must be set to follow the convening of the Congress, for should a situation arise in which no candidate for the Presidency received a majority of votes cast the election would be thrown into the House of Representatives, and some time must be allowed to that body to make its choice. Under the present arrangement a Congress repudiated by the people would select the new President. If this resolution is passed and becomes ratified by three-fourths of the States, that situation, so much in need of correction, will be changed so that the Members of Congress elected at the time the President was also voted upon will make the choice. It is obvious that this change is necessary.

While I concur heartily in the purpose of this resolution I must protest against the amendment which has been offered by Speaker LONGWORTH. The Speaker proposes that a further provision should be added to this resolution, namely, that the Congress adjourn each even year on May 4. I think it would be a tragic mistake to accept this amendment. To do so would nullify one of the greatest purposes of this resolution, namely, the elimination of the evils of the short session of the Congress. I can not see a single advantage of limiting any session of the Congress. On the contrary I see only the greatest disadvantage. As we all know filibustering is conducted with a view to forcing legislation under threat of continuously holding the floor on other unimportant legislation. The same situation which has arisen in so many of our short sessions is going to face us again each time we approach that termination date. There will be the usual rush at the end of that period just as there is now before the 4th of March, and the same incentive to delay important legislation so that unimportant bills can be forced through. This amendment should be defeated. I will vote against it.

I must also say that it has been a surprise and a keen disappointment to see the Speaker descend from his powerful position and, by proposing such an amendment, virtually kill all chance of passing this badly needed measure. Does he think the gentleman at the other end of the Capitol are going to accept this resolution, tying the generations to come to the same unhappy spectacle we have so often witnessed at the termination of short sessions? Definite termination can be accomplished by statute. If it must be provided at all, why make it a part of the Constitution? Such a provision would bind them to adjourn on that date, even though there be the greatest need for remaining in session. The only way it could ever be released from that adjournment date would be by a further amendment to the Constitution. I think the Speaker unfair and high handed in proposing this amendment and using his great power to practically force the amendment upon us. He gives us no

alternative. He says if you will accept my amendment I will support the passage of the resolution. The will of this great body of Representatives is asked to bow to the wishes of a single individual. This is, indeed, an unfortunate condition. I believe the Speaker guilty of a gross misuse of his power.

With all due respect for the system of checks and balances established by the Constitution upon the three branches of our Federal Government, there is little doubt that the legislative bears the direct mandate of the people and is therefore in the last analysis the supreme body. Why should it therefore be condemned to die each even year on May 4 and subject itself to the Executive for renewal of life if conditions of the country require. Congressmen and Senators are elected to serve the people of the country by the year. It is their duty to remain in session until the public business is complete. Those who fear a Congress continuously in session are setting up a scarecrow. I am of the firm opinion that the work of the Congress can be expedited more effectively without a definite adjournment date. Members of Congress are eager to return to their homes as soon as the public business can be properly settled. Without the incentive for delay which a definite adjournment date establishes and the possibilities of clever tactical maneuvering which it allows, I feel sure that the public business will be better cared for and far more expeditiously handled than otherwise.

This proposed amendment is not a new or novel proposition. It has been discussed for at least 50 years. Thousands of words have appeared in editorials and news articles regarding it. A great many textbooks on American Government discuss it and suggest the advisability of this amendment. Textbook writers are almost universal in their expressions that the present practice is not in conformity with the theory of representative government.

I earnestly hope, ladies and gentlemen, that we will defeat the amendment which the Speaker has so unwisely offered and pass the resolution.

Mr. GRIFFIN. Mr. Speaker, outside of this Chamber, I dare say the average citizen will imagine that we are considering the Norris proposal to do away with what has been called "lame-duck" sessions. Every Member of this House knows that that is not the case. The committee to which the Norris resolution (S. J. Res. 3) was referred has seen fit to report an entirely different proposal, namely, House Joint Resolution 292, introduced by the gentleman from Massachusetts [Mr. GIFFORD].

Many of us who would have supported the Norris resolution feel that we can not vote for the Gifford resolution, because it has introduced new propositions which ought in themselves to be the subject of a separate vote and a separate submission to the States.

The Norris resolution confined itself to the one purpose of having the terms of the President, the Vice President, and the Members of Congress, begin in January instead of in March following their election. As an incidental feature it empowers Congress to provide for the succession where the President and Vice President shall not have been chosen before the time fixed for the beginning of their terms.

The Gifford resolution goes further and introduces an entirely new proposal, namely, that "if the President elect dies, then the Vice President elect shall become President."

This is entirely unnecessary and an obvious solecism. Strictly speaking, there is no such thing as the President elect or the Vice President elect until the Electoral College makes its pronouncement, or rather, until its findings are announced on the second Wednesday in February, when the President of the Senate, in joint session of both Houses opens the certificates of the electors from the various States and the votes are counted. Furthermore, the Gifford proposal steals the authority already vested in the Electoral College.

Let us suppose the Presidential candidate receiving the majority vote for his electors in all the States should die before the electors meet on the first Wednesday in January. Is it likely that they would do aught else than designate the Vice Presidential candidate for the higher office?

If, on the other hand, the President elect should die after his selection on the second Wednesday in February the situation on the Fourth of March following would be simply this: That the Vice President elect would be sworn in as Vice President and then immediately sworn in as the successor of the President under the terms of the Constitution. We need no further amendment for that.

It is generally known that when Hamilton suggested the idea of an Electoral College it was his plan that that body, composed of the most disinterested citizens, should have complete authority to exercise their own judgment. It is true that they have never in the past disregarded the sentiments of the voters who elected them. They have invariably taken the popular vote in their States as a mandate. Nevertheless, the Constitution gives them plenary authority. It would seem that they ought to be allowed to exercise their judgment as the twelfth amendment provides.

A further innovation is proposed in the Gifford resolution, namely:

SEC. 4. The Congress may provide for the case of the death of any of the persons from whom the House of Representatives may choose a President, whenever the right of choice devolves upon them (it) and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them (it).

This is also quite unnecessary. The twelfth amendment provides that where there is a tie and the House of Representatives shall have the choice, the President shall be selected from the persons having the highest number of votes—

Not exceeding three on the list of those voted for as President.

In the case of the election of Vice President by the Senate the choice must be made—

From the two highest numbers on the list.

The Gifford resolution proposes to vest in Congress a power which belongs exclusively to the framework of the Constitution and which should not be left to the caprice or fluctuating opinions of successive Congresses. Any amendment providing for the succession to the Presidency should be specific and not left as an open question for interminable debate and alteration.

I am no admirer of the Electoral College system. I believe that the election of the President and Vice President should be by popular vote and the Electoral College preserved simply as a "committee to fill vacancies," but any change in the system should first be submitted to the people for general discussion and should be the subject of a separate amendment. It should not be tacked on to a proposal, simple and well understood in itself, which has already been passed in the Senate.

The whole question on this issue has been further complicated by the adoption of the Longworth amendment putting a time limit on the last session of a Congress in the even-numbered years. A fixed time of closing a legislative session is one of the worst evils in our democratic system of Government. The closing days are inevitably crowded with the pressure of bills and their sponsors, with its inevitable rivalry, intrigue, and logrolling. It is the conviction of every experienced legislator that in the closing days, before a fixed adjournment day, some of the most vicious bills are slipped through. The membership is impatient, each anxious about the fate of his own pet bill and determined to cut down proper debate and deliberate consideration. The Rules Committee takes charge and, between it and the Speaker or other presiding officer, they exercise a domination amounting to an insufferable tyranny, entirely incompatible with the principle of democratic institutions.

The popular notion is that there must necessarily be a 13-month interval between the election of a new Congress and its convening in regular session.

The Constitution says:

The Congress shall assemble at least once in every year, and such meeting shall be the first Monday in December, unless they shall by law appoint a different day.

So there is nothing to prevent Congress setting a different day or days. It can pass a law prescribing that Congress

shall meet on March 4 as well as on December 4 in the odd-numbered years and on January 4 in the even-numbered years.

Thus Congress will be enabled to begin its duties precisely on the date when its term begins and within four months after its election.

The Continental Congress, September 13, 1788, declared the first Wednesday in March next (1789) to be—

The time for commencing proceedings under the said Constitution.

The Congress convened at that time and performed very important work and might well have continued the practice.

If that practice were resumed and Congress met on March 4, following the election, the lame-duck session would be avoided. An interval of only four months would have elapsed, and that is short enough to enable Representatives elected from distant parts of the country to gather up the loose ends of their business and prepare themselves for their complicated duties in the new Congress.

The opening and the count of the certificates of the Electoral College in the presence of the Senate and House of Representatives at 1 p. m. on the second Wednesday of February succeeding the election is a humbug and a farce. The whole country knows the decision before this mummery takes place, and the whole proceedings are looked upon by the Members of both Houses as a solemn joke.

The twelfth amendment should be amended so as to permit the certificates of the Electoral College to be sent to the United States Supreme Court. This would dispense with the necessity of having Congress in session before March 4. Why is this not the solution of the whole problem?

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

REQUEST OF THE SENATE TO RETURN A BILL

The SPEAKER laid before the House the following communication from the Senate:

IN THE SENATE OF THE UNITED STATES,
February 17 (calendar day, February 24), 1931.

Ordered, That the House of Representatives be requested to return to the Senate the bill (H. R. 7639) entitled "An act to amend an act entitled 'An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct,' approved May 22, 1928."

The request was agreed to.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 202. An act to provide for the deportation of certain alien seamen, and for other purposes; to the Committee on Immigration and Naturalization.

S. 3489. An act to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 3491. An act to prevent fraud in the promotion or sale of stock, bonds, or other securities sold or offered for sale within the District of Columbia; to control the sale of the same; to register persons selling stocks, bonds, or other securities; and to provide punishment for the fraudulent or unauthorized sale of the same; to make uniform the law in relation thereto, and for other purposes; to the Committee on the District of Columbia.

S. 3929. An act for the relief of James J. Lindsay; to the Committee on Naval Affairs.

S. 6024. An act relating to the improvement of the Willamette River between Oregon City and Portland, Oreg.; to the Committee on Rivers and Harbors.

S. 6106. An act to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park; to the Committee on the Public Lands.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 8812. An act authorizing the Menominee Tribe of Indians to employ general attorneys;

H. R. 9676. An act to authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C.; and

H. J. Res. 404. Joint resolution to change the name of B Street NW., in the District of Columbia, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1571. An act for the relief of William K. Kennedy;

S. 1851. An act for the relief of S. Vaughan Furniture Co., Florence, S. C.;

S. 2625. An act for the relief of the estate of Moses M. Bane;

S. 2774. An act for the relief of Nick Rizou Theodore;

S. 3553. An act for the relief of R. A. Ogee, sr.;

S. 3614. An act to provide for the appointment of two additional district judges for the northern district of Illinois;

S. 4425. An act to amend section 284 of the Judicial Code of the United States;

S. 4477. An act for the relief of Irma Upp Miles, the widow, and Meredeth Miles, the child, of Meredith L. Miles, deceased;

S. 4598. An act for the relief of Lowela Hanlin; and

S. 5649. An act for the relief of the State of Alabama.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 8812. An act authorizing the Menominee Tribe of Indians to employ general attorneys;

H. R. 9676. An act to authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C.;

H. R. 9702. An act authorizing the payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, British subject, in connection with rescue of survivors of the U. S. S. *Cherokee;*

H. R. 12571. An act to provide for the transportation of school children in the District of Columbia at a reduced fare;

H. R. 15876. An act to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes;

H. J. Res. 404. Joint resolution to change the name of B Street NW., in the District of Columbia, and for other purposes; and

H. J. Res. 416. Joint resolution to increase the amount authorized to be appropriated for the expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 54 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 25, 1931, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 25, 1931, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To provide for the deportation of alien seamen. (S. 202 and H. R. 7763.)

COMMITTEE ON EDUCATION

(10.30 a. m.)

Authorizing an annual appropriation for the maintenance of headquarters for the National Council of Intellectual Cooperation for the United States. (H. J. Res. 510.)

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 3593. A bill to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.; without amendment (Rept. No. 2874). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 15493. A bill to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark.; with amendment (Rept. No. 2875). Referred to the Committee of the Whole House on the state of the Union.

Mrs. KAHN: Committee on Military Affairs. H. J. Res. 472. Joint resolution to authorize the acceptance on behalf of the United States of the bequest of the late William F. Edgar, of Los Angeles County, State of California, for the benefit of the museum and library connected with the office of the Surgeon General of the United States Army; without amendment (Rept. No. 2876). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 14912. A bill to authorize an appropriation for construction at Randolph Field, San Antonio, Tex., and for other purposes; with amendment (Rept. No. 2877). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULLER: Committee on the Public Lands. H. R. 17228. A bill to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park; without amendment (Rept. No. 2878). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 17165. A bill to authorize the construction of a laundry building at Fort Benjamin Harrison, Ind.; without amendment (Rept. No. 2879). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOOPER: Committee on the Public Lands. H. R. 17005. A bill to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes; with amendment (Rept. No. 2880). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. S. 4391. An act for the relief of John Herink; without amendment (Rept. No. 2871). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 5219. An act for the relief of John A. Pearce; without amendment (Rept. No. 2872). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 13221. A bill for the relief of Zinsser & Co.; without amendment (Rept. No. 2873). Referred to the Committee of the Whole House.

Mr. KOPP: Committee on Pensions. H. R. 17262. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 2881). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 16965) granting an increase of pension to Lizzie Pennington, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KENDALL of Pennsylvania: A bill (H. R. 17257) granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY: A bill (H. R. 17258) making an additional appropriation for mineral-mining investigations by the United States Bureau of Mines; to the Committee on Appropriations.

By Mr. McSWAIN: A bill (H. R. 17259) to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy"; to the Committee on Military Affairs.

By Mr. FREE (by request): A bill (H. R. 17260) to stabilize shipping conditions and further promote safety at sea, to provide for cooperation between steamship lines engaged in foreign commerce, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. GARBER of Oklahoma: A bill (H. R. 17261) to regulate for a temporary period commerce between the United States and foreign countries in crude petroleum and certain of its products; to the Committee on Ways and Means.

By Mr. KOPP: A bill (H. R. 17262) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House.

By Mr. McFADDEN: Joint resolution (H. J. Res. 518) to authorize an investigation of the activities of the International Committee of Bankers on Mexico; to the Committee on Rules.

By Mr. PARKER: Joint resolution (H. J. Res. 519) directing an investigation and study of transportation by the various agencies engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. LaGUARDIA: Concurrent resolution (H. Con. Res. 51) to provide for the printing of papers, surveys, testimony, and other matter submitted to the Senate by the National Commission on Law Observance and Enforcement; to the Committee on Printing.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of Arizona, memorializing the Congress of the United States for the passage of the so-called Thomas bill for a Federal loan to the reclamation fund; to the Committee on Irrigation and Reclamation.

Memorial of the State Legislature of the State of Utah, memorializing the Congress of the United States to pass, and the President to approve, Senator THOMAS'S (of Idaho) bill appropriating $5,000,000 to the reclamation fund; to the Committee on Irrigation and Reclamation.

Memorial of the State Legislature of the State of Utah, memorializing the Congress of the United States, approving report and recommendations of the Senate Subcommittee on Trade Relations with China, and resolutions presented to the Senate by Senator PITTMAN; to the Committee on Ways and Means.

By Mr. SANDERS of Texas: Memorial in the nature of Senate Concurrent Resolution No. 9, Legislature of Texas, requesting the establishment of one national park in the State of Texas; to the Committee on the Public Lands.

By Mr. ARENTZ: Memorial in the nature of Senate Joint Resolution No. 7, Legislature of Nevada, memorializing the Committee on Foreign Relations of the United States Senate to report favorably Senate Resolutions 442 and 443, introduced in the United States Senate February 11, 1931, by Senator PITTMAN; the Senate of the United States to adopt said resolutions, and the President of the United States to carry out the purposes of said resolutions as expeditiously as possible; to the Committee on Ways and Means.

Also, memorial in the nature of Assembly Joint Resolution No. 8, Legislature of Nevada, memorializing the President of the United States and Congress to support the so-called Thomas bill for a Federal loan to the reclamation fund; to the Committee on Irrigation and Reclamation.

By Mr. EVANS of Montana: House Joint Memorial No. 3, Montana Legislature, urging the passage of legislation now pending toward the conversion into cash of the adjusted-compensation certificates; to the Committee on Ways and Means.

By Mr. LEAVITT: House Joint Memorial No. 3, adopted by the Twenty-second Legislative Assembly of the State of Montana, requesting enactment of legislation for the conversion into cash of adjusted-compensation certificates; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 17263) granting an increase of pension to Margaret Speakman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17264) granting an increase of pension to Kate Glover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17265) granting an increase of pension to Belle Butters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17266) granting an increase of pension to Nannie A. B. Wilkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17267) granting an increase of pension to Margaret E. Kellison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17268) granting a pension to Carrie E. McGown; to the Committee on Invalid Pensions.

By Mr. CLARKE of New York: A bill (H. R. 17269) granting an increase of pension to Adelia B. Folsom; to the Committee on Invalid Pensions.

By Mr. CONDON: A bill (H. R. 17270) for the relief of A. C. Messler Co.; to the Committee on War Claims.

By Mr. COYLE: A bill (H. R. 17271) granting an increase of pension to Mary Ellen Price; to the Committee on Invalid Pensions.

By Mr. McLEOD: A bill (H. R. 17272) granting an increase of pension to Mary V. Calderwood; to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 17273) granting an increase of pension to Cora L. Cole; to the Committee on Invalid Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 17274) granting a pension to Joseph G. Adams, alias Joseph G. Barnes; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 17275) granting an increase of pension to Pauline Hartman; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 17276) granting a pension to Mary A. Mitchell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10148. By Mr. BACHMANN: Telegram from the Tau Gamma Sigma Sorority, of Wheeling, W. Va., protesting against the passage of Senate bill 4582, to amend the tariff act, 1930, and the Penal Code to permit the importation, distribution, and sale of contraceptive literature and devices; to the Committee on the Judiciary.

10149. By Mr. BACON: Petition of sundry residents of Long Island, N. Y., urging the adoption of legislation prohibiting the use of dogs for vivisection purposes in District of Columbia; to the Committee on the District of Columbia.

10150. By Mr. BEERS: Petition of members of Post No. 255, Veterans of Foreign Wars, favoring enactment of legislation providing for immediate cash payment at full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

10151. By Mr. BOYLAN: Letter from the Milk Wagon Drivers, Chauffeurs, and Helpers Local, No. 584, New York City, and the New York State Grange, urging the passage of the Townsend-Brigham bill regulating the manufacture and sale of oleomargarine; to the Committee on Agriculture.

10152. By Mr. BROWNE: Petition of the Bonanza Equity Local Union Cooperative, Shawano, Wis., favoring the passage of the Brigham bill regulating the sale and manufacture of oleomargarine; to the Committee on Agriculture.

10153. By Mr. CAMPBELL of Iowa: Petition of the Russel West Post, No. 95, American Legion, of Paullina, Iowa, indorsing the payment in full of the adjusted-service certificates; to the Committee on Ways and Means.

10154. Also, petition of 40 citizens of Moville, Iowa, and vicinity, urging support of the Sparks-Capper amendment to the Constitution (H. J. Res. 356) excluding unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts; to the Committee on the Judiciary.

10155. By Mr. CANFIELD: Petition of Rev. J. H. Allen and 28 other citizens of Milan, Ind., urging the passage of the Sparks-Capper amendment; to the Committee on the Judiciary.

10156. Also, resolution of Mrs. Frank Sellers, president of the Woman's Christian Temperance Union, of Franklin, Ind., urging the passage of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10157. Also, resolution of Mrs. A. E. Balser, president of the Methodist Episcopal Women's Foreign Missionary Society, of Franklin, Ind., urging the passage of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10158. Also, resolution of Mrs. Milas Drake, president of the Presbyterian Missionary Society, of Franklin, Ind., urging the passage of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10159. By Mr. EATON of Colorado: Petition of 125 citizens of Denver, petitioning for immediate cash payment at full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

10160. By Mr. FITZGERALD: Petition of Emma A. Jennings, as recording secretary, and 35 other patriotic members of Patterson Council, No. 36, Daughters of America, Dayton, Ohio, urging favorable action on House Joint Resolution No. 473, to change the constitutional provision for the convention and adjournment of Congress; to the Committee on the Judiciary.

10161. By Mr. HALL of North Dakota: Petition of 19 citizens of Ellendale, N. Dak., urging the passage of the Sparks-Capper amendment (H. J. Res. 356); to the Committee on the Judiciary.

10162. By Mr. HOOPER: Resolution of Oneida Center, Parent-Teachers' Association, of Oneida Center, Mich., earnestly petitioning Congress to enact a new law taxing all yellow oleomargarine at least 10 cents a pound; to the Committee on Agriculture.

10163. By Mr. KVALE: Petition of members of the Benson, Minn., unit of the Woman's Christian Temperance Union and others, urging enactment of the proposed Sparks-Capper amendment; to the Committee on the Judiciary.

10164. By Mr. LEAVITT. Petition of water users on the Big Horn district of the United States Indian irrigation

service on the Crow Indian Reservation in Montana, requesting that collection of irrigation maintenance charges be deferred to a later date; to the Committee on Indian Affairs.

10165. By Mrs. McCORMICK of Illinois: Petition bearing the signatures of 40,000 citizens of Chicago, Ill., praying for the immediate payment in cash of the soldiers' bonus certificates; to the Committee on Ways and Means.

10166. By Mr. MANLOVE: Petition of Harry Brown, John L. Evans, and 49 other residents of Schell City, Mo., favoring the regulation of busses and trucks in the use of the highways; to the Committee on Interstate and Foreign Commerce.

10167. By Mr. REED of New York: Petition of Portville, N. Y., Woman's Christian Temperance Union, indorsing House bill 9986; to the Committee on Interstate and Foreign Commerce.

10168. By Mr. RICH: Petition of citizens of Williamsport, Pa., favoring House Joint Resolution 356, known as the Sparks-Capper alien bill; to the Committee on the Judiciary.

10169. By Mr. SELVIG: Petition of Ada (Minn.) Cooperative Creamery Association, supporting the Brigham bill, H. R. 15934, for the control of colored oleomargarine; to the Committee on Agriculture.

10170. Also, petition of Argyle (Minn.) Cooperative Creamery Association, urging enactment at this session of Congress of the Brigham bill, H. R. 15934; to the Committee on Agriculture.

10171. By Mr. SPARKS: Petition of 61 citizens of Beloit, Kans., urging the support of the Sparks-Capper stop alien amendment, being House Joint Resolution 356, to exclude aliens from the count of the population for apportionment of congressional districts; to the Committee on the Judiciary.

10172. Also, petition of the Woman's Christian Temperance Union, of Zurich, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10173. Also, petition of Kansas Yearly Meeting of Friends, representing 233 members, of Northbranch, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10174. Also, petition of the Woman's Christian Temperance Union, of Almena, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10175. By Mr. STRONG of Kansas: Petition of 71 citizens of Delphos, Kans., urging passage of the Sparks-Capper stop alien representation amendment; to the Committee on the Judiciary.

10176. By Mr. SUMMERS of Washington: Petition signed by Mrs. Roy Smith and 14 other citizens of Yakima, Wash., urging support of the Sparks-Capper stop alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10177. Also, petition of V. C. Sorensen and 17 other citizens of Lyle, Wash., urging support of the Sparks-Capper stop alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10178. By Mr. SWANSON: Petition of Mrs. Jean Titts-worth and others, of Avoca, Iowa, favoring an amendment to the Constitution whereby apportionment in the House of Representatives would be determined without regard to alien population; to the Committee on the Judiciary.

10179. By Mr. WOLFENDEN: Petition of J. M. Norris and others, of Chester, Pa., urging support of proposed Sparks-Capper stop alien representation amendment; to the Committee on the Judiciary.

10180. Also, petition of Charlotte E. Maxwell and 20 others, of Oxford, Pa., urging support of proposed Sparks-Capper stop alien representation amendment; to the Committee on the Judiciary.

SENATE

WEDNESDAY, FEBRUARY 25, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 3) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, with an amendment, in which it requested the concurrence of the Senate.

The message returned to the Senate, in compliance with its request, the engrossed bill (H. R. 7639) to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928.

CONSERVATION OF PUBLIC HEALTH

Mr. RANSDELL. Mr. President, when the Senate met yesterday I announced that I would seek recognition to address the Senate to-day on the subject of how to conserve public health, the most imperative duty confronting mankind. Inasmuch as we have an executive session to-day as the order of business, I now wish to announce that I shall ask recognition to-morrow for that purpose.

GEORGE WASHINGTON BICENTENNIAL COMMISSION (S. DOC. NO. 302)

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for expenses of the District of Columbia George Washington Bicentennial Commission, fiscal year 1931, to remain available until June 30, 1932, amounting to $100,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL EXPOSITION OF COLONIAL AND OVERSEAS COUNTRIES, PARIS, FRANCE (S. DOC. NO. 303)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of State, fiscal year 1931, to remain available until expended, amounting to $50,000, for an additional amount for the expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries, to be held at Paris, France, in 1931, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM OF H. W. BENNETT (S. DOC. NO. 304)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of State, fiscal year 1931, amounting to $400, for payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM FOR DAMAGES TO PRIVATELY OWNED PROPERTY (S. DOC. NO. 301)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, an estimate of appropriation submitted by the Department of the Interior to pay a claim for damages to privately owned property in the sum of $49, which had been considered and adjusted under the provisions of law